Hawaii was admitted as a Territory, the United States promised that in the future she would be admitted as a State. Certainly the United States has never made such a promise.

Mr. SALTONSTALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barrett	Johnson, Colo.	Smith, Maine
Butler, Md.	Johnson, Tex.	Stennis
Clements	Johnston, S. C.	Symington
Daniel	Malone	Upton
Dworshak	Martin	Watkins
Gore	Payne	
Hill	Saltonstall	

The PRESIDING OFFICER. A quorum is not present.

Mr. SALTONSTALL. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts. [Putting the question.]

The "noes" appear to have it; the "noes" have it, and the motion is rejected.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. As I understand, under the previous order, a motion is now in order that the Senate take a recess until Monday.

The PRESIDING OFFICER. The Senator from Texas is correct.

Mr. SALTONSTALL. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts. As many as favor the motion will say "aye." Opposed, "no." The "ayes" appear to have it.

Mr. SALTONSTALL. Mr. President, I withhold the motion and I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. JOHNSON of Colorado. Under the Senate's present status, in seeking a quorum, can any motion be made, can a speech be made, or can any action be taken except to recess?

The PRESIDING OFFICER. The Chair understands that because of the absence of a quorum, no business is in order except a motion to recess, or to take steps to develop a quorum.

Mr. JOHNSON of Colorado. Out of order, Mr. President, I ask unanimous consent——

The PRESIDING OFFICER. No debate is in order.

Mr. JOHNSON of Colorado. I ask unanimous consent to address the Senate for 1 minute.

The PRESIDING OFFICER. The Senate cannot transact business in the absence of a quorum. The only business in order is a motion to recess, or to take steps to develop a quorum.

Mr. JOHNSON of Colorado. Mr. President, I was on my feet preparing to ask for a division at the time the decision was made that the motion to direct the Sergeant at Arms was rejected. I understood the Chair to say that the "ayes" had it, and then the Chair said the "noes" had it.

The PRESIDING OFFICER. That was on the motion to recess.

Mr. JOHNSON of Colorado. Mr. President——

The PRESIDING OFFICER. The Chair will put the motion again. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. SALTONSTALL] to take a recess until Monday next, under the order previously entered. As many as favor the motion will say "aye."

Mr. SALTONSTALL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. SALTONSTALL. Is the Chair now putting the question on the motion to recess?

The PRESIDING OFFICER. The Senator is correct.

Mr. SALTONSTALL. Or is the Chair putting the question on the motion to instruct the Sergeant at Arms to request the attendance of absent Senators?

The PRESIDING OFFICER. The question is on the motion to recess.

As many as favor the motion will say "aye." Opposed "no." The "noes" have it, and the motion is rejected.

Mr. SALTONSTALL. Is a motion to direct the Sergeant at Arms to request the attendance of absent Senators in order at this time?

The PRESIDING OFFICER. That motion was rejected.

Mr. SALTONSTALL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SALTONSTALL. What is the parliamentary status at this time?

The PRESIDING OFFICER. In the absence of a quorum, the only business which may be transacted is a motion to recess.

RECESS TO MONDAY

Mr. SALTONSTALL. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts. [Putting the question.]

The motion was agreed to; and (at 4 o'clock and 34 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Monday, March 22, 1954, at 12 o'clock meridian.

SENATE

MONDAY, MARCH 22, 1954

(Legislative day of Monday, March 1, 1954)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God, from whom all the holy desires, all good counsels, and all just works do proceed: At another week's beginning, with pressing duties crowding about us we pause in the stillness to implore the strength outside ourselves, without which our labors are in vain. We come conscious that we can do little to help our sorely agitated day if its outer discord is matched by the inner confusion of our own lives. "Breathe through the heats of our desire Thy coolness and Thy balm." We would remember, as we bow before Thee, that because we are Thy children we deny and betray our own heritage if we allow any fear to fetter us, save the fear of being faithless to our trust. May our lives be emptied of all which shames us in the light of Thy presence, so that, in this hour of the Nation's danger and desperate need, through us Thy will may be done. As we face the work of this and every day keep us near the world's great altar stairs of prayer that slope through darkness up to Thee. We ask it in the dear Redeemer's name. Amen.

CALL OF THE ROLL

The VICE PRESIDENT. The Senate having recessed on Friday last under a previous order, with a quorum not being present, the Secretary will call the roll to develop a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	McCarran
Anderson	Goldwater	McCarthy
Barrett	Gore	McClellan
Beall	Green	Millikin
Bennett	Griswold	Monroney
Burke	Hayden	Morse
Bush	Hennings	Mundt
Butler, Md.	Hickenlooper	Murray
Butler, Nebr.	Hill	Neely
Byrd	Hoey	Payne
Capehart	Humphrey	Potter
Carlson	Hunt	Purtell
Case	Ives	Robertson
Chavez	Jenner	Russell
Clements	Johnson, Colo.	Saltonstall
Cooper	Johnson, Tex.	Schoeppel
Cordon	Johnston, S. C.	Smith, Maine
Daniel	Kefauver	Smith, N. J.
Dirksen	Kilgore	Sparkman
Douglas	Knowland	Stennis
Duff	Langer	Symington
Dworshak	Lehman	Thye
Ellender	Long	Upton
Ferguson	Magnuson	Watkins
Flanders	Malone	Welker
Frear	Mansfield	Wiley
Fulbright	Martin	Williams
George	Maybank	Young

Mr. SALTONSTALL. I announce that the Senator from Ohio [Mr. BRICKER], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from California [Mr. KUCHEL] are necessarily absent.

The Senator from New Jersey [Mr. HENDRICKSON] is absent on official business.

Mr. CLEMENTS. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senators from Florida [Mr. HOLLAND and Mr. SMATHERS], the Senator from Washington [Mr. JACKSON], the Senator from Oklahoma [Mr. KERR], the Senator from Massachusetts [Mr. KENNEDY], the Senator from North Carolina [Mr. LENNON], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

The VICE PRESIDENT. A quorum is present.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 19, 1954, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 20, 1954, the President had approved and signed the act (S. 2714) to increase the borrowing power of Commodity Credit Corporation.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 179. An act for the relief of Insun Lee;

S. 2108. An act for the relief of Lieselotte Sommer; and

S. 2151. An act for the relief of Mrs. Ala Olejcak (nee Holubowa).

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that there may now be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The VICE PRESIDENT. Without objection, it is so ordered.

NEW MEXICO SENATORIAL ELECTION

Under the authority of the order of the Senate of the 16th instant,

Mr. HENNINGS, as a member of the Committee on Rules and Administration, submitted on March 20, 1954, his minority views on the New Mexico senatorial election, which were ordered to be printed as part 2 of Report No. 1081.

REPORT OF UNITED STATES CIVIL SERVICE COMMISSION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 261)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

I am transmitting herewith the 70th Annual Report of the United States Civil Service Commission. This report covers the fiscal year ended June 30, 1953.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 22, 1954.*

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF JUSTICE (S. DOC. NO. 107)

A communication from the President of the United States, transmitting proposed supplemental appropriations, in the amount of $1,343,000, for the Department of Justice, for the fiscal year 1955, in the form of amendments to the budget for said fiscal year (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

REPORT ON AWARD OF CERTAIN CONTRACTS BY NAVY DEPARTMENT FOR RESEARCH AND DEVELOPMENT

A letter from the Assistant Secretary of the Navy for Air, transmitting, pursuant to law, a report on the award of contracts for research and development, in excess of $50,000, by the Department of the Navy, for the period July 1 through December 31, 1953 (with an accompanying report); to the Committee on Armed Services.

REPORT ON BORROWING AUTHORITY

A letter from the Director, Office of Defense Mobilization, Executive Office of the President, transmitting, pursuant to law, a report on borrowing authority, for the quarter ended December 31, 1953 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON INTERNATIONAL EDUCATIONAL EXCHANGE PROGRAM

A letter from the Secretary of State, transmitting, pursuant to law, a report on the international educational exchange program, for the period July-December 1953 (with an accompanying report); to the Committee on Foreign Relations.

AMENDMENT OF HELIUM ACT, RELATING TO REPEAL OF CERTAIN GOVERNMENT PROPERTY LAWS

A letter from the Assistant Secretary of the Interior, withdrawing a proposal to amend the act of October 31, 1951, insofar as it relates to wildlife refuges, and transmitting a new draft of proposed legislation to amend section 1 (d) of the Helium Act (50 U. S. C. sec. 161 (d)) and to repeal section 3 (13) of the act entitled "An act to amend or repeal certain Government property laws, and for other purposes," approved October 31, 1951 (65 Stat. 701) (with accompanying papers); to the Committee on Government Operations.

PROPOSED AWARDS OF CONCESSION PERMITS, GREAT SMOKY MOUNTAINS NATIONAL PARK, TENN.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, two proposed awards of concession permits to authorize the sale of firewood at campgrounds in Great Smoky Mountains National Park, Tenn., for the period April 15 to October 31, 1954 (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the Friendly Sons of St. Patrick, Butte, Mont., favoring the extension of an invitation to the President of the Republic of Ireland to officially visit the United States; to the Committee on Foreign Relations.

Resolutions and petitions from organizations and schoolchildren of Puerto Rico, condemning the action of certain persons in attempting to assassinate Members of the House of Representatives; to the Committee on the Judiciary.

A letter in the nature of a petition from the Board of Regents, University of Alaska, praying for the enactment of legislation to provide statehood for Alaska; ordered to lie on the table.

By Mr. GOLDWATER:

A joint resolution of the Legislature of the State of Arizona; to the Committee on Armed Services:

"House Joint Memorial 2

"Joint memorial relating to the establishment of an Air Force Academy in Arizona

"To the President and the Congress of the United States of America:

"Your memorialist respectfully represents:

"It has long been recognized that in the interest of national defense there is a need for an Air Force Academy comparable to the United States Military and Naval Academies to train career officers for the Air Force because of the tremendous growth of that service. In 1948 the Secretary of Defense and in 1949 the National Military Establishment's Service Academy Board recommended that an Air Force Academy be established on the same basis as the Military and Naval Academies for the training of future officers of that branch of service.

"Between 1949 and 1953, proposals have been introduced in the United States House of Representatives to establish a United States Air Force Academy at the estimated cost of $171 million. In May of last year United States Representative SHORT, chairman of the Armed Services Committee, introduced a bill providing for establishment of an Academy and that the Academy be located at an existing facility until such time as Congress appropriates sufficient funds to build an Academy at a site chosen by a Commission. The House Armed Services Committee has now recommended that this proposal do pass.

"Arizona has numerous existing facilities at which an Air Academy could flourish either on a temporary or permanent basis. That Arizona is particularly suited as a site for an Air Academy is shown by its possession of the following important attributes:

"1. A climate providing ideal all-year flying conditions, as evidenced by an average wind velocity of about 7 miles per hour, an annual average of possible sunshine of about 84 percent, an annual average of about 3,739 sunshine hours per year, and a low yearly average relative humidity of about 38 percent;

"2. The low cost of acquisition and preparation of land;

"3. Outstanding educational facilities, including the University of Arizona at Tucson, Arizona State College at Tempe, Arizona State College at Flagstaff, junior colleges, public and private high schools and preparatory schools, and many public and private schools;

"4. Adequate housing facilities, with all modern utilities and ample public accommodations;

"5. Excellent cultural facilities, including churches, libraries, and museums;

"6. Transportation facilities by rail, motor carrier, and air, including numerous airports, airlines, and Air Force installations;

"7. Outstanding recreational facilities of all kinds, both indoor and outdoor; and,

"8. Numerous thriving communities with populations of from 10,000 to 250,000.

"Wherefore your memorialist, the Legislature of the State of Arizona, urgently requests:

"1. That the President and the Congress establish a temporary Air Academy at one of the existing Arizona facilities; and,

"2. That the President and the Congress give earnest consideration to the early construction of a permanent Air Force Academy at a suitable location in the State of Arizona."

The VICE PRESIDENT laid before the Senate a joint resolution of the Legislature of the State of Arizona, identical with the foregoing, which was referred to the Committee on Armed Services.

PERSECUTION OF THE CATHOLIC CHURCH IN POLAND — RESOLUTION

Mr. BUSH. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the Catholic Polish Youth Federation of Connecticut, assembled at Torrington, Conn., relating to the persecution of the Catholic Church in Poland.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

The Polish Catholic Youth Federation of Connecticut in convention assembled at Torrington, Conn., on February 10, 1954, voted by acclamation to memorialize the President of the United States, His Excellency Dwight D. Eisenhower, and the Connecticut delegation to the Congress of the United States, the Honorable Prescott Bush, Senator; the Honorable William A. Purtell, Senator; the Honorable Thomas J. Dodd, Congressman; the Honorable Horace Seely-Brown, Jr., Congressman; the Honorable Albert W. Cretella, Congressman; the Honorable Albert P. Morano, Congressman; the Honorable James T. Patterson, Congressman; and the Honorable Antoni N. Sadlak, Congressman, in regard to the persecution of the Catholic Church in Poland.

Whereas this organization consists of young Americans, resident in Connecticut and descendant from a liberty-loving people, the Poles, whose annals are replete with glorious names of fighters and martyrs for freedom and whose sons, Casimir Pulaski and Thaddeus Kosciusko, have made common the history of Poland and the United States; and

Whereas this organization worships God without fear of intimidation or interference from the established government; and

Whereas this organization desires the same right for the people of Poland; and

Whereas the insidious and satanic regime which usurps the name the Polish Government is deliberately and contemptuously suppressing the Catholic Church, to which an overwhelming majority of the Poles adhere, by imprisoning the primate of Poland, His Eminence Stefan Cardinal Wysinski, by arresting and jailing other church leaders, by interfering with the internal management of the church, by liquidating the Polish Catholic press, by foisting unauthorized puppets as legitimate leaders of the church: Now, therefore, be it

Resolved, That the President of the United States, His Excellency Dwight D. Eisenhower, continue to voice his objection to the cruel treatment inflicted on the Catholic people of Poland by unwanted rulers; that he instruct the State Department to lodge a protest with the Polish representatives to the United States over the actions of the present Polish Government; that he instruct the chief delegate of the United States to the United Nations, the Honorable Henry Cabot Lodge, to solicit the support of the free nations of the world in protesting against the highhanded actions of the present Polish Government.

Resolved further, That the Connecticut delegation to the Congress of the United States present to that honorable body its protests in line with this memorial.

Resolved further, That a copy of this resolution be sent to the President of the United States; to the Governor of the State of Connecticut, the Honorable John Lodge; to the Senators and Congressmen from the State of Connecticut; and that copies of this resolution be sent to all the various newspapers in the State of Connecticut.

CATHOLIC POLISH YOUTH FEDERATION OF CONNECTICUT,
SOPHIE M. SZTABA, *Secretary*.

DAIRY SUPPORT PRICES—RESOLUTION OF GLENCOE, MINN., BUTTER AND PRODUCE ASSOCIATION

Mr. THYE. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the members of the Glencoe, Minn., Butter and Produce Association, relating to price supports for dairy products.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

As over 50 percent of the income in McLeod County comes from the dairy industry a drop of 15 to 75 percent of parity on dairy products will cause a tremendous hardship to dairy farmers and to this community. We, the members of the Glencoe Butter and Produce Association, urge the passage of the bill sponsored by Senators THYE and HUMPHREY and others, urging dairy supports be changed gradually with not more than a 5 percent drop a year.

We further recommend that a change be made in the method of supporting dairy prices. We feel the consumer should be entitled to receive the best quality dairy products directly from the dairy plant and not have the Government store only the top quality product, as with butter where only 92 score and better butter is stored. We further believe that the dairy producer of a top quality product is entitled to 90 percent of parity as well as the producers of other basic commodities. We resolve that a direct type of payments be worked out to pay producing plants an incentive payment for the production of a quality product with this pro-rated to the farmer producer. For example, butter should be supported at 90 pecent of parity on 92 score butter. Ninety-three score, 1 cent above; 90 and 91 score, 2 to 3 cents below 90 percent of parity, with no support on a product scoring below 90.

We, as the members of the Glencoe Butter and Produce Association, feel that livestock and human health is of great importance not only to livestock producers but to the whole Nation. We resolve that the budget for the indemnity program for Bangs and TB be reinstated in the budget of the United States Department of Agriculture.

RESOLUTIONS OF FARMERS UNION JOBBING ASSOCIATION, KANSAS CITY, KANS.

Mr. CARLSON. Mr. President, the Farmers Union Jobbing Association of Kansas City is a farmer-owned, farmer-controlled grain marketing cooperative with some 250 members that represent many thousands of farmers in the State of Kansas.

The Farmers Union Jobbing Association, under the direction of the board of directors and the leadership of Roy D. Crawford, secretary-manager, has just concluded a most successful year.

As they handle the grain for thousands of farmers of Kansas, I present a copy of the resolutions adopted at their annual meeting and request that they be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows.

INTRODUCTION

We, the stockholders and delegates of the Farmers Union Jobbing Association are meeting in our annual convention.

This is the time to take pride in our record of accomplishment. Now is the time to take stock of progress made, frankly face mistakes, and then to concentrate our efforts on the problems and challenges of the future.

Your resolution committee has, therefore, after open hearings and careful study of many suggestions, drafted the following resolutions for your approval:

"RESOLUTION 1

"Cooperatives

"Strong cooperatives in State and Nation are more essential than ever before at this time of agricultural crisis.

"We therefore urge the continued support as far as finances permit to the educational funds of the State Farmers Union and Cooperative Council.

"We will continue to make common cause with other cooperatively minded farmers in every part of the Nation in carrying forward the development of cooperative marketing and supply associations, because these institutions are making major contributions to the success of our farming enterprises. We urge renewed vigor on the part of stockholders and those associated with other organizations of like character, to increase the membership and participation of farmers in these mutual business enterprises.

"RESOLUTION 2

"The Farmers Union Jobbing Association

"We are proud of the achievement during the past year of the Farmers Union Jobbing Association. We appreciate the leadership and loyal service of Roy D. Crawford, secretary-manager, the board of directors, and the efficient staff of associates and employees.

"We commend the management and board of directors on their decision to expand our Fairfax terminal.

"RESOLUTION 3

"An aggressive program of research

"We support as fundamental to the continued increase in the efficiency of agriculture, an expanded program of research by the Federal Government and State colleges created to serve agriculture. Most pressing at the present time is the need for developing rust resistant and otherwise improved varieties of grain to meet the challenge of rust, mosaic, and other grain diseases. We suggest that the Farmers Union Jobbing Association take active leadership in the promotion of this research.

"RESOLUTION 4

"The public power program

"We urge that public power development be continued to bring the blessings of low-cost electricity for agriculture, industry, and home use.

"We believe the transfer of power sites developed by Federal funds to private groups for private exploitation would be a step backward in national policy.

"We urge Congress to restate in no uncertain terms a preference in electricity so developed, by municipal plants, rural electric cooperatives and other institutions whose primary purpose is to serve the public needs on a cost basis.

"The REA program of electrical development, as well as rural telephones should be rushed to completion because large numbers of rural people are still without these facilities.

"RESOLUTION 5

"Reorganization of the Department of Agriculture

"Note has been taken of the recent reorganization of the United States Department of Agriculture.

"It has been stated these changes are not intended in any way to curtail the services now provided or to hinder the effectiveness of the institutions involved.

"Because very fundamental changes have been made, affecting many institutions including the Soil Conservation Service and Credit Administration, we urge that Congress take account of these statements made in support of the reorganizations.

"Any action taken that would retard an adequate program of guidance and economic assistance in the field of soil conservation or curtailment of credit resources available to farmers and institutions created for them would be moving in an undesirable direction.

"RESOLUTION 6

"Keeping grain clean

"As producers of wheat and other grains, we take pride in the quality of our products. We urge that farmers and elevator operators intensify their efforts to reduce to a minimum the waste of grain through contamination by birds, rodents, and insects.

"By keeping our grain clean we can keep the Pure Food and Drug Department from again taking over.

"RESOLUTION 7

"Interest rates

"Interest rates have increased substantially on loans to farmers and their cooperatives. Increased rates on CCC loans do not help the consumers or the Government, but benefit only the moneylender. We oppose increasing interest rates at this time of falling prices on farm products.

"RESOLUTION 8

"National farm policy

"I. We urge that Congress extend the present price-support program for at least 2 years, and that meanwhile its committees be directed to develop a program of permanent farm legislation, which will give permanent character to the objective of realizing full parity for farm products.

"II. Whereas for 25 years it has been shown that for each dollar of gross farm production is created $7 worth of national income, and taking into account that the history of all depressions shows they start first with a drop in prices of raw materials and that 70 percent of all consumer goods consists of farm products. The rapid consumption of these products is the gearwheel that determines both employment and income for the United States. In face of these facts we feel that Congress should show the same concern for the take-home pay of farmers as is taken for other groups in our economy, as expressed by such legislation as minimum wages, maximum hours of work, price fixing under fair trade laws, guaranteed rates of return on investment for utilities engaged in public service, the cost-plus contracts for manufacturing of munitions armaments and other military requirements, and the 27½-percent depletion allowance allowed the oil industry.

"III. We are opposed to the new parity formula which was incorporated in the 1948–49 farm act."

RESOLUTIONS COMMITTEE,
J. O. ADAMS, *Chairman.*
GEO. FREDRICKSON.
HENRY FREEMAN.
WILFORD JAMISON.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 22, 1954, he presented to the President of the United States the following enrolled bills:

S. 179. An act for the relief of Insun Lee;

S. 2108. An act for the relief of Lieselotte Sommer; and

S. 2151. An act for the relief of Mrs. Ala Olejcak (nee Holubowa).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBERSTON:

S. 3158. A bill to eliminate cumulative voting of shares of stock in the election of directors of national banking associations; to the Committee on Banking and Currency.

By Mr. SMITH of New Jersey:

S. 3159. A bill for the relief of Nickolay Alexeivich Semenov; to the Committee on the Judiciary.

By Mr. CLEMENTS:

S. 3160. A bill for the relief of Irene Julienne Givens; to the Committee on the Judiciary.

By Mr. FERGUSON:

S. 3161. A bill to amend the Bankruptcy Act to make tax liens of States and their subdivisions valid against trustees in bankruptcy; to the Committee on the Judiciary.

By Mr. BUTLER of Maryland:

S. 3162. A bill to amend the Merchant Marine Act, 1936, in order to provide an improved construction-differential subsidy program for shipbuilding under the provisions of such act; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. BUTLER of Maryland when he introduced the above bill, which appear under a separate heading.)

By Mr. FERGUSON:

S. J. Res. 142. Joint resolution designating August 26 of each year as "American Women's Day"; to the Committee on the Judiciary.

AMENDMENT OF MERCHANT MARINE ACT, RELATING TO CONSTRUCTION-DIFFERENTIAL SUBSIDY PROGRAM

Mr. BUTLER of Maryland. Mr. President, I introduce for appropriate reference a bill to amend the Merchant Marine Act, 1936, in order to provide an improved construction-differential subsidy program for shipbuilding under the provisions of such act. I ask unanimous consent that a statement by me relating to the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3162) to amend the Merchant Marine Act, 1936, in order to provide an improved construction-differential subsidy program for shipbuilding under the provisions of such act, introduced by Mr. BUTLER of Maryland, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The statement presented by Mr. BUTLER of Maryland is as follows:

STATEMENT BY SENATOR BUTLER OF MARYLAND

I have introduced today a bill to the preparation of which long and expert consideration has been devoted by the various elements of management and labor in the maritime field. It seeks urgently needed relief from one of the several paramount ills now afflicting the American shipping and shipbuilding industries.

The nature of those ills has been diagnosed and possible remedies suggested, in previous statements made by me recently in this Chamber. One is the dearth of cargoes to be carried in American bottoms, and, as I told the Senate several days ago, I will have for introduction possibly tomorrow a measure whose goal it will be to bring about a more equitable sharing by American vessels in the available ocean cargo total. The shocking fact is that United States-flag vessels are now carrying less than a third of our own foreign commerce. It need hardly be stated that they cannot long survive on such meager fare.

Equally important to the future of both the shipping and shipbuilding industries of the country is this bill which I am introducing today.

The provisions of this measure represent the considered opinion of the responsible leadership of the shipping industry upon a most urgent problem in this field. It is no "Johnny-come-lately" offering, no hastily drafted panacea. Rather, it has been checked and double-checked, drafted, and redrafted by its proponents, on the basis of their long experience in the maritime field. The various drafts of it have been receiving consideration as well by Department of Commerce and Department of Justice officials.

The views of these Government officials are not finalized as yet, but the matter with which the bill deals is of such pressing importance, and the time still available for its handling is so limited, what with the many urgent tax, budget, and other matters demanding attention, that prudence dictated that it be placed before you without further delay.

This measure deals with a problem whose disturbing effects I am sure are familiar to many of my colleagues, namely, the lack of finality, the uncertainty, attendant upon construction-differential subsidy contracts entered into under the Merchant Marine Act of 1936. Its whole purpose and intent is to make the provisions of that act workable as they apply to construction differentials, so that projected ship construction may be initiated, and shipyard facilities kept activated, free from anxiety lest the subsidy phases of the contracts become a subject of controversy later.

Let it be emphasized here as strongly as possible that the bill will add nothing new in the way of benefits to anyone. It will not cost taxpayers a single additional dollar. It simply would make possible the effective administration of a law which Congress enacted 18 years ago. In my opinion, effective administration of that law will help to make possible a resurgence of ship construction that will preserve, or restore, jobs for some thousands of skilled workers.

The breakdown of the 1936 Merchant Marine Act machinery insofar as construction-differential subsidies are concerned, has been one of the major factors blocking new ship construction. Particularly has this been the case with respect to passenger vessels, in which field-projected plans for at least 4 large, modern vessels to cost nearly $100 million have been deferred for almost 3 years.

The contract for any one of these ships would have been a lifesaver for the shipyard

securing it. Enactment of the bill now to be introduced will effectively put an end to the uncertainty about such contracts, without—and this bears repetition—without one extra dollar of cost to anyone.

Why has the 1936 act been unworkable in this respect? Well, it is difficult to answer briefly. But one need only point to the United States Lines controversy as a prime example, as proof positive of the fact that the present construction differential law as administered by the Department of Commerce and reviewed by the General Accounting Office is inadequate. It has failed completely to achieve the desired effect of inviting private enterprise to build new vessels of any type for the American commercial fleet.

As presently worded, the act is so difficult of interpretation that it offers little, if any, hope of successful administration. The amendments I am proposing would solve the problem, I believe, by establishing a statutory procedure for subsidy rate recommendations by the Maritime Administration, which would become final after a stated period unless and except to the extent changed by Congress.

The outcome, as I have said, of prolonged discussions by both Government and industry, the proposals would take cognizance of certain factors that are basic to any approach to a solution of the problem. Chief among these are the following:

First, determination of construction differential subsidy rates admittedly cannot be an exact, factual process. It can only represent an expert opinion, through the exercise of informed judgment. It is impossible to obtain all the necessary comparable data, or to keep abreast of the many variable factors involved—foreign wage and material costs, foreign subsidies, etc. And, human nature being as it is, a judgment of any set of data, by equally informed and capable persons, may vary by a relatively wide margin.

Secondly, where such variations are possible, some system of governmental checks and balances is needed, in the interest of all concerned—including, of course, and foremost, the taxpayers. And, to be effective, this control must be brought into play before contracts are signed which would entail large sums of public moneys. The one segment of the Government that can best exercise such control is the Congress, through the committees whose responsibility it is to consider merchant-marine affairs. The Congress, and these committees, set the policies under which such subsidies are authorized, and theirs is the continuing responsibility for proper administration of those policies.

When, after extensive administrative hearings, subsidy rate recommendations are suggested by the Maritime Administration, as this bill would provide, Congress has the power, and the procedures, to hear any protests, and to make public all the considerations involved in the ratemaking. Thus, it could be in a position to decide, with authority, whether to accept or to modify the rates suggested. And its acceptance or modification of the suggested rates would have the effect, to all intents and purposes, of statute.

Construction-differential subsidy rates thus established, for a definite period, would permit the shipping lines to plan and to contract for new vessel construction with exact knowledge of their financial obligations in connection therewith. They could undertake the heavy initial cost of ship design with definite knowledge of what the subsidy rate would be. And both parties to such contracts, ship purchasers and Government, would then be assured that, as far as matters of judgment were concerned, the contract would be final.

All uncertainty would be removed. Purchasers would be protected. The public interest would be safeguarded by the publicity the congressional consideration of the rates would necessarily require. And regular redetermination by the Maritime Administration, in the light of changing conditions, would keep the recommended rates in line with varying world conditions.

A final provision of this bill would define the term "national defense feature," and assure agreement on such features by joint action of the Maritime Board, the Secretary of the Navy, and the Bureau of the Budget. Cost of these features would be established definitely, thus removing another factor of possible controversy.

In conclusion let me state emphatically that the problem this bill seeks to solve is a most complicated one, and a problem whose solution is of the most pressing urgency in the light of this Nation's shipping requirements. Experience gained in various public hearings and discussions leads me to the firm conviction that the provisions of this bill are adequate to cover the situation, and to remove the roadblock in the way of new ship construction which the current controversies on the matter have set up. Its enactment into law would be a veritable blood transfusion for two very sick industries—shipping and shipbuilding.

I offer it with a sincere belief that, of a number of suggested approaches, this bill would seem to offer the greatest assurances of adequacy. I bespeak for it an open-minded reception, and a serious consideration on the part of all Senators, commensurate with the importance of the problem it seeks to solve.

EXCLUSIVE POWER OF CONGRESS TO DECLARE WAR

Mr. LANGER. Mr. President, last week the Secretary of State, in the course of a speech he made, gave the impression that war could be declared without the consent of Congress. I now submit a concurrent resolution, for which I request appropriate reference, reading as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby reaffirms its exclusive power to declare war and that pursuant to the Constitution, vesting that power in the Congress, the Armed Forces of the United States shall not be ordered into action against the territory or armed forces of any foreign nation without a prior declaration of war, except to the extent necessary to repel an armed attack against the United States or any of its territories or possessions.

The concurrent resolution (S. Con. Res. 71) was referred to the Committee on Foreign Relations.

ADDITIONAL CLERK FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. CARLSON submitted the following resolution (S. Res. 221), which was referred to the Committee on Post Office and Civil Service:

Resolved, That the Committee on Post Office and Civil Service is authorized, from April 1, 1954, through January 31, 1955, to employ one additional clerical assistant to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with section 202 (e), as amended, of the Legislative Reorganization Act of 1946 and the provisions of Public Law 4, 80th Congress, approved February 19, 1947, as amended.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

OUR FOREIGN POLICY AND ITS RELATION TO OUR MILITARY PROGRAMS—STATEMENT BY SECRETARY OF STATE

Mr. SMITH of New Jersey. Mr. President, on last Friday, at 2:30 p. m., the Secretary of State met with the Foreign Relations Committee for an extended conference. At the opening of the conference, he submitted a brief statement regarding our foreign policy and its relation to our military programs. Because of the importance of this subject, I ask unanimous consent that Mr. Dulles' statement be printed in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE HONORABLE JOHN FOSTER DULLES, SECRETARY OF STATE, BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, MARCH 19, 1954

I am glad to discuss with you the present state of our foreign policy and its relation to our military programs.

I

The central goal of our policy is peace with freedom and security. The menace of Soviet bloc despotism, which now holds in its grip one-third of the world's peoples, presents the most serious danger that has ever confronted us. The main aspects of this threat are apparent.

1. The Soviet rulers seem to feel secure only in a world of conformity dominated by them. Partly, no doubt they are driven by lust for power. But to a considerable extent, I believe, they are driven by fear of freedom. To them freedom is a threat to be stamped out wherever it approaches their world.

2. The Soviet bloc possesses what is in many ways the most formidable military establishment the world has ever known. Its great strength is manpower, but also it is strong in terms of planes, submarines, and atomic capabilities. This vast empire dominates the central Eurasian land mass extending from the River Elbe in Germany to the Pacific. From within an orbit of 20,000 miles, it could strike by land at any one of approximately 20 states of Europe, the Middle East and Asia, and by air it could strike the North American Continent.

3. Nor is the threat only military. It also commands a political apparatus which operates in every country of the world, seeking to capitalize upon all of the discontents and unsatisfied ambitions which inevitably exist in greater or less degree throughout the free world.

4. The threat is virtually unlimited so far as time is concerned. Soviet communism operates not in terms of an individual lifetime so that the threat will end with someone's death. It operates in terms of what Lenin and Stalin called "an entire historical era."

II

To meet that military threat requires on our side a strategy which is both well-conceived and well-implemented. This military defense must be within the capacity

of the free world to sustain it for an indefinite time without such impairment of its economic and social fabric as would expose it to piecemeal seizure from within by the political apparatus of communism.

This calls for thinking and planning which is imaginative; which takes maximum possible advantage of the special resources of the free nations; and which is steadily developed and adapted to changing conditions. The fundamental aim of our national security policies is to deter aggression and thereby avert a new war. The essentials of this problem may be briefly summarized as follows:

1. The free nations can achieve security only by a collective system of defense. No single nation can develop alone adequate power to deter Soviet bloc aggression against its vital interests. By providing joint facilities and by combining their resources, the free nations can achieve a total strength and a flexibility which can surpass that of any potential enemy and can do so at bearable cost.

This collective security concept is the most highly developed in NATO. But it is also embodied in the Rio Pact of 1947 and, in more limited form, in various security arrangements in the Far East. The Turkey-Pakistan agreement marks the beginning of applying the collective-security concept in the Middle East. The United Nations is moving in the same direction, as shown by its Uniting for Peace resolution.

2. In organizing their collective defense, the free nations should not attempt to match the Soviet bloc man for man and gun for gun. The best way to deter aggression is to make the aggressor know in advance that he will suffer damage outweighing what he can hope to gain. Thus an aggressor must not be able to count upon a sanctuary status for those resources which he does not use in committing aggression.

3. To apply this deterrent principle the free world must maintain and be prepared to use effective means to make aggression too costly to be tempting.

It must have the mobility and flexibility to bring collective power to bear against an enemy on a selective or massive basis as conditions may require. For this purpose its arsenal must include a wide range of air, sea, and land power based on both conventional and atomic weapons. These new weapons can be used not only for strategic purposes but also for tactical purposes. The greatest deterrent to war is the ability of the free world to respond by means best suited to the particular area or circumstances. There should be a capability for massive retaliation without delay. I point out that the possession of that capability does not impose the necessity of using it in every instance of attack. It is not our intention to turn every local war into a general war.

4. The magnitude and duration of the present danger and the need for flexibility of means to deter that danger makes it vital to the United States, as never before, that it have firm allies. A firm alliance depends not merely upon documents, though these may be important. There must also be trust, understanding, and good will as between the free nations. This implies not merely military commitments, but good economic and cultural relations as well. It is not charity on the part of the United States to be concerned with the economic health of other nations which help to support the basic strategy I describe. Neither is their good will a matter to which we can be indifferent. All of this means that foreign policy has assumed, as never before, a vital importance for the security of the United States.

In the long haul the United States has a profound interest in insuring that its allies and the uncommitted areas of the free world are able to maintain viable economic and political systems. That is why our foreign economic policy means so much to our own security.

REPORT OF COMMITTEE ON FOREIGN TRADE OF APPLETON (WIS.) CHAMBER OF COMMERCE

Mr. WILEY. Mr. President, a great many businesses in the State of Wisconsin have recently been severely impacted by competition from a flood of foreign imports. This is a matter of deep concern to me, as I know similar conditions are a matter of concern to my colleagues elsewhere in our Nation.

I was interested, therefore, to receive this morning from Kenneth H. Corbett, secretary of the Appleton Chamber of Commerce, an important message conveying a report from the foreign trade committee of that chamber. The report comments frankly and specifically regarding the impact of tariff reductions on the business community and on the lift of Appleton as a whole. I believe that the report will be of interest to my colleagues in the Senate, and I ask unanimous consent that it be printed at this point in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FOREIGN TRADE,
APPLETON CHAMBER OF COMMERCE,
February 22, 1954.

NATIONAL AFFAIRS COMMITTEE,
Appleton Chamber of Commerce.

GENTLEMEN: The committee on foreign trade has the honor to report the following findings and recommendations. The time for study has been short. Further recommendations may be made at a later date.

A survey, limited because of lack of time, reveals that at least three of our largest firms would be drastically affected by further reductions in tariff. They normally employ over 1,500 people in this area. At least two of these firms have experienced marked reductions in employment due to imports from low cost labor countries and are in need of immediate relief.

Four other firms have been determined to be vulnerable to tariff reductions and actively oppose such reductions. It is the committee's belief that a more comprehensive survey will bring forth many others who are directly vulnerable. It is readily apparent that employment reduction in this area will indirectly influence the welfare of the numerous concerns supplying these businesses and their employees. Loss of Federal, State, and local taxes would affect the entire community.

A study of the report to the President and Congress by the Commission on Foreign Economic Policy (Randall Commission) reveals a marked difference of opinion on the part of its members. Many of the strongest dissents were written by Senator EUGENE D. MILLIKIN and Representative DANIEL S. REED, chairmen, respectively, of their counterpart committees in the Senate and House, with the responsibility of steering all tariff and trade legislation through Congress. The Randall report may be chiefly of academic interest in guiding further legislation.

United States tariffs tend to equalize differences in foreign and domestic cost of production, including disparities in wage rates, and to protect the American standard of living. Every important industrial country in the world employs protective devices, most of them more restrictive than we use. We do not employ licensing or currency convertibility control which are far more effective than a mere application of tariff control. Our tariff levels are low in comparison with those of other countries and have, in recent years, been lowered far more drastically than others.

The trade, not aid, theorists would have us believe that a surplus of exports over imports currently exists. The truth is that our imports exceed exports when we rule out our military aid programs, which are truly gifts and not to be considered trade by any stretch of the imagination. Reduction of our economic aid program would further reduce this discrepancy. Tariff reductions must not be made the panacea for the world's ills. An indiscriminate application of so-called free trade can only result in exposing domestic labor and business to unfair labor markets, with little resultant gain for other nations and a decided loss to this Nation.

It is the recommendation of this committee that the following statement of policy be adopted by the Appleton Chamber of Commerce:

"The Appleton Chamber of Commerce is opposed to legislation leading to indiscriminate free trade. We recommend that action be taken to further tariff legislation which would reflect disparities existing in wage rates, and to protect the American standard of living."

We further recommend that the Appleton Chamber of Commerce resolve on a course of action to propagandize, both locally and nationally, its position on foreign trade. A suggested course of action follows:

1. Appoint a committee or continue this committee to implement this program.

2. Publicize the chamber's program locally by means of newspaper and radio.

3. Write all interested Senators, Congressmen, governmental agencies, and the President. Submit statements of policy to the United States Chamber of Commerce, the National Association of Manufacturers, and their State or area branches.

Respectfully yours,

FOREIGN TRADE COMMITTEE,
E. W. SAIBERLICH, *Chairman.*
ROBERT W. ZWICKER.
GUS ZUEHLKE.
WALTER H. BRUMMUND.
EUGENE B. BROWNELL.

THE CONSTITUTIONAL AND MORAL CRISIS; THE SUPREME COURT'S DECISION IN THE SUBMERGED LANDS CASE

Mr. MORSE. Mr. President, as the foundation for a report on two issues, which I shall make in one of my weekly reports, I now ask unanimous consent to have printed at this point in the body of the RECORD, as a part of my remarks—because I wish to associate myself with the contents of the editorial and article—an editorial entitled "Title to the Ocean," which appeared in this morning's Washington Post; and an article entitled "The Sound of the Trumpet," by Walter Lippmann.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington Post and Times-Herald of March 22, 1954]

TITLE TO THE OCEAN

It is a disappointment, and something of a surprise, that the Supreme Court entered a decision on the merits of the marginal sea controversy after hearing oral argument on only preliminary and procedural aspects of the Rhode Island and Alabama complaints. In sweeping terms, the Court upheld the constitutionality of last year's congressional act confirming coastal States' title to and ownership of submerged lands within their historic boundaries. In all probability, as Senator KUCHEL, of California, declared jubilantly, this writes finis to the issue.

The Court's brief per curiam opinion makes it appear that the only question raised was

whether Congress had power to dispose of property belonging to the United States. Indubitably Congress has such power without limitation. But this begs the question whether land under the open ocean can be considered property belonging to the United States. The Court carefully and conspicuously refrained from calling it so in the California case when it ruled explicitly that California had no title to the marginal sea off its shores. It is hard to understand how Congress can either confirm California's title to property which that State never possessed or transfer to California what never belonged to the United States. Difficult questions of international law are cavalierly glossed over.

The clear implication of the Court's conclusion is that the marginal sea was, after all, property of the United States, although foreign governments may think differently. This reduces to its inherent absurdity the claim made by sponsors of the giveaway legislation that they aimed to take nothing from the Nation but merely to give to the coastal States what was rightfully theirs. "Giveaway" was the correct term for this legislation. And this newspaper retains its conviction that, whatever the constitutional merits of the matter, it was a giveaway of the most profligate sort, endowing a few favored States with a tremendous national asset which should have been conserved and developed for the protection and benefit of the entire American people.

[From the Washington Post and Times-Herald of March 22, 1954]

THE SOUND OF THE TRUMPET

(By Walter Lippmann)

"You know," said the President last week, "the world is suffering from a multiplicity of fears. We fear the men in the Kremlin, we fear what they will do to our friends around them; we are fearing what unwise investigators will do to us here at home as they try to combat subversion or bribery or deceit within.

"We fear depression, we fear the loss of jobs. All of these with their impact on the human mind makes us act almost hysterically, and you find hysterical reaction.

"We have got to look at each of those in its proper perspective to understand what the whole sum total means. And remember this: The reason they are feared and bad is because there is a little element of truth in each, a little element of danger in each, and that means that finally there is left a little residue that you can meet only by faith, a faith in the destiny of America, and that is what I believe is the answer."

The President was speaking here from his heart, and there can be few things that matter more at this moment of crisis in our affairs than to understand clearly what he was saying. He was saying, if I understand him rightly, that the world and this country are full of fears about which we have become hysterical. These fears are not entirely imaginary. For each fear there is some basis of truth and in each there is an element of actual danger. The answer to the hysteria is to have faith in the destiny of America.

Now that is no doubt entirely true. But it would be useful, indeed it is essential that we should know just how faith in the destiny of America can be summoned up in order to cure the hysterical reactions to the fears which the President lists: The men in the Kremlin, what might happen to the countries exposed directly to the Soviet power, McCarthyism, subversion, deceit, corruption.

There is, said the President, a little element of truth and actual danger in all of these things that people fear. But the fact that there is some danger does not account for the hysterical reaction which, quite rightly, the President is aware of and deplores. The question we have to ask ourselves, and which he should ask himself, is why in the presence of these dangers so many of our people are reacting not stoutly, resolutely, steadfastly—but hysterically.

Not because the dangers are so great that our people have lost hope of dealing with them and are panic stricken. Not in the least. The power that this country possesses and that it can generate is by far the greatest in the world; nor are so many of our people hysterical because our economy and social order are in any danger of breaking down.

Why, then, in the presence of dangers that are real but not overwhelming and quite within our power to master, is there so much hysterical fear?

It is because there is an increasing anxiety that there may be a failure of the leadership, the command, the authority, which alone can rally the Nation to deal with these dangers. The element of hysteria, the failure of nerve, is the reaction to this vacancy.

The people are like the crew and the passengers of a ship in a storm at sea. They will master their fears and they will do their duty as long as they know that the captain and his officers are on the bridge and at their posts. But let the belief spread among them that the captain is not giving the orders, or that there is a munity on the bridge; there will soon be hysteria and panic down below.

That ought to be obvious enough to an old soldier. How do commanders maintain the morale of their troops in the danger of battle? Is it by telling them to look at it all in the proper perspective? Or do they by their example and their authority allow no one to doubt that they have the situation firmly and decisively in hand?

"For if," says the Bible, "the trumpet give an uncertain sound, who shall prepare himself to the battle?"

When the President tells us that the answer to the hysteria is faith in the destiny of America, he should not forget how fundamental in that faith is the conviction that our institutions will be equal to any challenge.

They are not at this moment showing themselves equal to the challenge of governing this country in its great role as protector and leader of the free world. Men who hold the posts of responsibility in our institutions are not now making those institutions work as they are meant to work.

The Congress, which is meant to be the legislature, is overwhelmingly concerned not with making the laws but with usurping the executive power, and with turning itself into a kind of unlicensed and unregulated detective force, grand jury, prosecutor's office, judge, jury, and executioner—all combined.

And in the face of a persistent invasion of his constitutional responsibilities and the steady erosion of his authority, the Chief Executive and the Commander in Chief has been giving ground here, there, and almost everywhere. He has been accepting without more than spasmodic resistance and without serious protests the public humiliation of the Foreign Service, who are the eyes of the Nation abroad, and of the officers of the Army, who are the right arm of its defense.

It is this constitutional and moral crisis at the center of the Nation's life—not the dangers with which the Nation has to deal—that accounts for the hysteria. It is because of the fear that there is uncertainty and softness where there should be lucidity and resolution that the faith which the President invokes is being so sorely tried.

STATEHOOD FOR ALASKA

Mr. ANDERSON. Mr. President, the University of Alaska Board of Regents at a special meeting last week petitioned the President of the United States and Members of Congress for immediate statehood for Alaska. I quote here the petition which was signed by the president of the board, Andrew Nerland, of Fairbanks, Alaska:

We, the Board of Regents of the University of Alaska, recognizing our public responsibility as a land-grant university, supported by public funds, to extend the opportunities of higher education to all of Alaska, with the objective of stimulating the development of our intellectual leadership, do find that we are hindered in our appointed tasks because of the inequalities conferred by our Territorial status, resulting in these grave consequences: a retarded development for Alaska and failure to make our just contribution to leadership for the Nation.

We, therefore, in fulfillment of our educational responsibility, in furtherance of the national welfare, and in answer to the human longing of our citizenry for political equality, do hereby petition the President and the Congress of the United States for immediate statehood for Alaska.

Mr. President, I ask unanimous consent to have printed in the RECORD, a resolution relating to statehood for Alaska adopted by the City Council of the City of Anchorage, Alaska, together with a statement containing information supporting that resolution.

There being no objection, the resolution and statement were ordered to be printed in the RECORD, as follows:

Resolution 733

Resolution urging the immediate passage of the Alaska statehood bill now before Congress and reciting the benefits that would accrue to city governments in Alaska through the adoption of statehood by furthering the democratic principles of home rule and improving the financial ability of cities to meet progressive expansion

Whereas the Territory of Alaska is now limited in its functions by the Federal organic act, and Alaskan municipalities are in turn prevented from meeting their responsibilities to the people due to lack of governing authority from the Territorial legislature because of restrictions in the organic act, and other Federal laws; and

Whereas such restrictions impose prohibitions against the exercise of local home rule to meet specific problems of each municipality; and

Whereas the busy Congress of the United States is now in the unique position of acting on various municipal problems, such as increases in bonded indebtedness limitations for individual cities in Alaska when such action should rightfully be a local responsibility and privilege; and

Whereas economic reports by outside financial experts have repeatedly shown that Alaskan cities are penalized and their financing ability impaired by the instability generated by Alaska failing to have recognition as a State: Now, therefore, be it

Resolved, That the Anchorage City Council strongly urge the immediate passage of the Alaska statehood bill; and be it further

Resolved, That the city of Anchorage will meet the new responsibilities that will be shifted to the city when Alaska becomes a State.

Publication of this resolution shall be made by posting a copy hereof on the city hall bulletin board for a period of 10 days following the passage hereof.

An emergency having been declared and the rules governing the introduction and passage of resolutions having been suspended, this resolution is unanimously passed and approved by the Council of the City of Anchorage this 10th day of March 1954.

MAYNARD L. TAYLOR, JR.,
Mayor.

Attest:

B. W. BOEKE,
City Clerk.

INFORMATION SUPPORTING RESOLUTION 733

Statehood would affect Alaskan cities in many ways. Aside from the general benefits of a sounder economy in all of Alaska, the actual governmental operation of municipalities could be greatly improved and the financial position of cities would be strengthened.

City government in modern American cities is predicated upon the right of self-government rather than dependence upon the Federal Government. Cities in most States have been given authority to adopt their own home-rule charters, under which they are able to adopt governmental principles and methods of operation best suited to meet their individual needs.

Alaskan cities have not been given the authority to adopt home-rule charters. Grave doubt exists among legal and governmental experts as to whether such authority could be granted by the present Territorial government. They believe that the Organic Act for Alaska may well preclude the exercising of local determination by municipalities. Lack of home rule, in turn, requires legislative action to meet specific needs of individual municipalities, be it to allow municipal parking lots, zoning and subdivision control, changes in special improvement district assessment procedures, or the like. Since many of these problems apply in different ways to different municipalities, the Territorial legislature is forced to attack such problems on an individual basis—resulting, of course, in no action being taken at all.

Lacking statehood, a most unique relationship exists between Alaskan municipalities and the Federal Government. The Congress of the United States has, under the Organic Act, established the bonded debt limitation for all Alaskan cities. This limitation becomes very unrealistic under special cases. This has resulted in Alaskan cities appealing directly to the United States Congress for authority to issue additional municipal bonds. Citizens of our States would be flabbergasted at such procedure. It is generally accepted that citizens, either on the municipal or State level, are best able to make the necessary determination through local democratic processes without having to busy the United States Congress with requests from individual cities.

Lack of statehood is further exemplified by the problems created by the concurrent lack of representation. For example, the city of Anchorage has been investigating the building of a seaport. In talking with governmental officials, private dock contractors, and other experts, we have been reminded in several instances that what we need most in the development of a seaport is representation in Washington.

Municipal problems are further exemplified by the apportionment of Federal grants-in-aid from APW funds and Public Law 139 funds. Some Alaska cities, because of the military impact for developing northern frontier defense installations, can show the greatest need for Public Law 139 funds. Applications for projects have been made, bonds voted to meet the proportionate share of costs, and facts presented to substantiate the need. It has been amazing that Alaskan cities have been bypassed from time to time because no local delegations were in Washington to push the projects for their particular cities. This failure to travel the long distance to Washington to present the application personally to Federal departments and congressional committees resulted in the needs of Alaskan cities being minimized. It appears that truer evaluations of Alaskan cities' needs can better be accomplished through the knowledge of locally elected Congressmen who have voting power. They can best distinguish between a "squeaking wheel" and the wheels that must be lubricated because of the heavy burdens they carry.

One of the greatest burdens under which Alaskan municipalities are forced to labor is the difficulty in financing public improvements. Even after obtaining congressional authority to create bonded indebtedness for municipal purposes, absence of statehood has imposed hardships on creating a bond market for the bonds of Alaskan cities. The city of Anchorage sold $1,150,000 in general obligation bonds on August 12 of this year after a public bid opening. The interest rate paid was 5 percent. This rate was 2 percent higher interest rates than the municipal bond index showed for the same date. In order to sell these bonds, it was necessary to contract with a bond broker to conduct the sale. This broker employed the well-known financial analyst firm of Duff & Phelps, Chicago, to prepare an economic report on Anchorage. This report prepared by an unbiased "outside" firm of expert economists, presents the economic optimism they forecast for this city. The report states, "All factors considered, it would appear to us that the city of Anchorage is in a comparatively sound financial position." With this type of report, it is difficult to understand why the city of Anchorage must pay 60 percent more for borrowed money than comparable cities in the States. The bond buyers point out that bonds for cities in territorial possessions are always higher than for cities of comparable financial conditions in the States. Duff & Phelps support these comments in the following excerpts from their report:

"The Greater Anchorage area, one of the fastest growing areas under the American flag, has the largest concentration of population in the Territory of Alaska. Its rapid growth, however, has presented many problems and has inspired much forward planning for stabilizing the long-range economy. So few of the facts concerning this area are generally known in the States except in very limited circles consisting of those who have done business in or visited the Territory with the result that a serious dollar shortage exists. The Territory of Alaska, and particularly the Greater Anchorage area, could have a brilliant future, but, if it is to prosper and develop its long-range economy, capital must be supplied not only by the Federal Government but by private investors in the States as well," This need of outside capital is further stressed in the conclusion of the report and the necessity for statehood to open the door to outside investors:

"Last, but not least, among the important factors which will influence the destiny of the Greater Anchorage area is the Territory of Alaska's being granted statehood. Anyone who reads the newspapers knows that in the past two legislative sessions in Washington much discussion has been given to the granting of statehood to both Alaska and Hawaii. Apparently not much headway has been made, particularly from the standpoint of Alaska's obtaining statehood. It would appear that the proponents of the measure have been unable to get over to their colleagues the real importance of Alaska to our national economy and the true position that it occupies in our national defense. We are sure that continued efforts will be made in this regard and ultimately it is probable that success will result. With statehood we believe that the whole development program for the area could be accelerated, financing would become less of a problem, and the general economy of the area could soon be put on a more sound basis."

Statehood will permit a State government to adopt home-rule charters for Alaska cities. Home rule will preserve the grassroots of democracy in the Territory and place responsibility for local government on the people who should carry the burden of that responsibility. The Duff & Phelps report, the unbiased "outside" economic experts, supports the necessity for statehood in order for the cities of Alaska to open the door for "outside" investors. These factors emphasize the need for statehood by Alaska cities.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business, which will be stated.

STATEHOOD FOR HAWAII

The Senate resumed the consideration of the bill (S. 49) to enable the people of Hawaii to form a constitution and State government and to be admitted into the Union on an equal footing with the original States.

NEW MEXICO SENATORIAL ELECTION

Mr. KNOWLAND. Mr. President, pursuant to the announcement I made earlier, namely, that following the morning hour today, I would move that the Senate proceed to the consideration of Senate Resolution 220—and in this connection, I direct my remarks particularly to the attention of the Senator from Oregon [Mr. MORSE]—I now move that the Senate proceed to the consideration of Senate Resolution 220, dealing with the election contest in the State of New Mexico.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California.

Mr. MORSE. Mr. President, I shall not speak at great length against the motion, although I am opposed to it. I fully understand that the majority leader has the votes required for the adoption of the motion, and therefore, I have no intention of speaking at length against it.

I believe, however, that early action on Hawaiian and Alaskan statehood is of the utmost importance. I do not believe that the particular business which it is proposed to consider under the motion is of such emergency nature that it must displace the unfinished legislation. I think the earlier we take action on the pending statehood legislation, the better will be our opportunity to add two stars to the American flag in the very near future. Furthermore, I feel that if we lay aside the pending bill for the New Mexico election issue there will be precedential weight for requests that it be laid aside for another issue, another issue, and still another issue. The result is likely to be that there will be danger that we shall not reach a vote on the statehood measure until possibly too late in the session to obtain final action through conference. At least, such a course would increase the danger of lack of action on the House side.

The Alaskan and Hawaiian statehood issue has been before us for some time. I think the most orderly and efficient way of disposing of it would be to proceed with the debate on Alaskan and Hawaiian statehood and then come to a vote. I recognize that I am in the minority on this question, which is no new experience for the Senator from Oregon. I have made it clear to my friend from California that I would not give unani-

mous consent to lay aside the unfinished business. If it is laid aside it will have to be done by vote of the Senate.

Mr. KNOWLAND. Mr. President, I merely wish to say that the reason I am following this procedure and making a motion to lay aside the unfinished business is, as the Senator from Oregon has quite correctly pointed out, that he had served notice that he would object to a unanimous-consent agreement to do so. Last week I proposed such an agreement, and would have done so this week; but in view of the advance notice which the Senator from Oregon has given, I felt that as majority leader the only course open to me was to make the motion.

I do so because several weeks ago, in response to inquiries from the minority leader, the minority whip, and others as to whether I would be willing, as soon as the reports were available, to take up the New Mexico contest, I gave them what I felt was a firm commitment which I had previously announced to the Senate. Having made the commitment, I feel that I have an obligation to make the motion which I have made.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to; and the Senate proceeded to the consideration of the resolution (S. Res. 220), which was read, as follows:

Resolved, That it is the judgment of the Senate that at the November 4, 1952, general election, in and for the State of New Mexico, no person was elected as a Member of the Senate from that State, and that a vacancy exists in the representation of that State in the Senate.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the Governor of the State of New Mexico.

GENEVA AND INDOCHINA

Mr. MANSFIELD. Mr. President, the war in Indochina is in its 8th year. The offensive, though harassed and stalemated, is still with the Viet Minh. Expert observers tell us that the French cannot win a substantial victory in less than 2 years, and unless something happens to galvanize their spirit and effort, final military victory may be impossible. Meanwhile, the political opposition to the French Government's policy in Paris is growing more vehement and their demands for a cease-fire have resulted in the convening of the Geneva Conference. They have plucked the Korean Truce as a precedent upon which to base their arguments that an armistice with the Viet Minh is compatible with French honor. This, of course, ignores the fact that the French have consistently held that the war in Indochina is a civil insurrection which precludes U. N. interference while the war in Korea was against a recognized aggressor invading an independent state. It is said that the French Government hopes the Geneva Conference will be a silencer of its opposition; that the intransigence of the Communists will convince their countrymen that there is no possible settlement outside of military victory. On the other hand, it may also happen that the failure to bring results from Geneva may topple the Laniel regime, placing Mendes-France and his group—who would be pledged to terminate the hostilities even to the extent of withdrawing French troops—in a more commanding position.

At this date, it has not been determined whether representatives from the Associated States will participate in Geneva. To many Vietnamese, Geneva, in its larger measure, represents a betrayal of their nationalist movement. They ask, What has France to give in "give and take" negotiations? They answer: compromise with Ho Chi Minh by offering a coalition or partial recognition—a move whereby those Vietnamese whose resistance has been consistent and determined would be fatally undercut.

Mr. President, next month the United States will sit down with Communist China and other countries in a conference at Geneva. The subject of the conference presumably is the situation in Korea. There is every indication, however, that discussion will focus on the situation in Indochina.

The Geneva Conference is the result of the Berlin meeting a few weeks ago and represents the price paid by us for French solidarity at the Berlin Conference. It seems to me to be a partial Soviet diplomatic victory since it will, de facto, give a degree of recognition to the Chinese Communist government. The Soviet Union has wanted that; we have not. Mr. Molotov made it clear at Berlin that the Soviet Union wanted two things; the defeat of the European Defense Community and recognition for Red China.

The decision to meet with the Communists in Geneva was made by the administration solely on its own responsibility. There was no prior consultation with Members on this side of the aisle. And judging by the reaction of the distinguished majority leader, Mr. KNOWLAND, when he heard the announcement of the conference, the other side of the aisle must also have been kept in the dark.

Be that as it may, the United States is now committed to a conference with the Communists on the Far East. We cannot reverse the decision, even though it may not have been a wise one. We must make the best of it. The only way we can do so is to make certain that the free nations enter the conference with their strongest foot forward.

Secretary Dulles faces, in Geneva, the most difficult task of his career. The Conference there may well influence the outcome of the European Defense Community in the near future and the nature of events in Asia for decades to come.

The Secretary of State knows that he will face dangerous pitfalls, that his job will be extremely delicate and that he will need the greatest understanding and the greatest possible bipartisan support to succeed. I would not be honest if I did not say that, as an individual Senator, I am somewhat apprehensive about Geneva. I would not be honest, either, if I did not say that while we can and should raise questions, offer suggestions, and give advice, we should also give to our Secretary of State as much encouragement and support as is possible.

It has been said many times, but it bears repeating, that the only way to negotiate successfully with the Communists is to negotiate from strength.

Will this be the case at the coming conference in Geneva? Has the administration exercised American leadership wisely to see that we will be negotiating from strength? Has it made certain that the free nations will go into the conference in unison and at full strength? Or are we drifting toward Geneva? Each country in its own way, without adequate preparation, without think-through, without a clear-cut sense of destination?

As I said before, it is too late to reverse the decision to hold this Conference. It is not too late, however, to question the preparations for it.

It is for this purpose that I wish to address myself briefly to the Indochina situation. I wish to make certain that with respect to this aspect of the coming Conference, the United States sees eye to eye with friendly countries. I want to make certain that the free nations do not abandon the vital perimeter of Southeast Asia for a false peace of appeasement at Geneva.

Let me make clear that I am not opposed to a peaceful settlement of this or any other problem. If the conflict in Indochina can be brought to a close without surrendering the area sooner or later to totalitarian communism, I shall welcome such a settlement. Anyone in his right mind would favor putting an end to bloodshed, if it can be done without appeasement of totalitarianism, without loss of freedom, without, in the long run jeopardizing the safety of this country and other free nations.

To achieve such a settlement on Indochina at the conference table, however, requires the marshaling of the full potential of the free countries. It requires us, further, to be prepared to carry on the struggle to a successful conclusion in the event the Communists turn down a just and honorable settlement.

As the Senate knows, I have been deeply interested in the Indochinese situation for some time. I believe that it is one of the key areas in the defense of freedom in the world. I believe the decision as to whether or not we will have, one day, to defend our own shores may very well be made on those distant shores. I would remind the Senate that Pearl Harbor was not attacked until after Indochina was firmly in enemy hands.

Last fall I visited the three Associated Indochinese States of Laos, Cambodia, and Vietnam. At that time, I crossed paths in India with the distinguished majority leader, who I know is fully cognizant of the importance of Indochina. A few weeks ago the distinguished majority leader and I engaged in a colloquy on the floor of the Senate on this very subject. It was at the time the administration announced that American aviation technicians were being sent to Indochina. If I am not mistaken, we

found ourselves in substantial agreement. If my recollection is correct, we felt that while the United States should make a contribution to the defense of Indochina, we should not commit American forces to the fighting there.

I think that the distinguished majority leader would agree that three factors are essential if Indochina is to be kept free of totalitarian domination whether by victory over the Communist-led forces of Ho Chi Minh or by negotiation. First, the French, who are making profound sacrifices in Indochina, must continue for a while longer their great military effort in defense of the three Indochinese states. And they must also continue their political effort to bring genuine national independence to these states. Second, the Indochinese nationalist leaders must be able to rally their people to fight for their independence against Communist domination. Third, military aid must be continued by the United States, but American forces must not become involved in the conflict.

This three-pronged approach remains the key to a satisfactory solution of the Indochina problem. It is necessary if the negotiations which are about to open in Geneva are to be successful. It is imperative if those negotiations fail. Unless it is followed, we may very well have to examine the whole premise of our policy with respect to Indochina.

Is the administration following this three-pronged approach? Certainly, the administration is interested in it. But what is being done to further it? Is the necessary American leadership being brought to bear? Or is the administration just drifting—drifting in Indochina and drifting toward appeasement at Geneva?

We continue to receive optimistic reports from the administration about eventual victory in Indochina. I regret to say that reports from practically every other source indicate a stalemate of indefinite duration in that area.

From Paris comes word that the French want to quit the struggle, almost at any price. I certainly sympathize with the situation in which the French find themselves. They have made great sacrifices to prevent the Communists from strangling the independence of the 3 Indochinese states at birth. They are weary after 8 long years of war. The drain of Indochina seriously compromises the role which the French should be playing in Europe. Nevertheless, the continued effort of the French in Indochina is essential if this area is not to fall to the Communists. Has the administration made clear to France the vital importance to freedom of her Indochina mission? Has the administration done everything possible to encourage the French to continue? I believe it has.

Reports from Indochina indicate that the local nationalist leaders, particularly in Vietnam, are not proving very successful in rallying their people to defend the independence of the three states. These reports indicate that Ho Chi Minh effectively conceals his communism in the cloak of nationalism and remains the symbol of anticolonial patriotism to many inhabitants of Vietnam.

Why is this the case? Are the nationalist leaders too complacent? Are they not sufficiently representative of their people or responsive to their needs? When I returned from Indochina last fall I reported on this matter to the Senate Foreign Relations Committee in the following terms:

> The basic problem which confronts all three governments and particularly that of Vietnam is to put down firm roots in their respective populations.

Mr. President, I said further that these governments must deal with the basic social and economic problems of their countries, that they must develop armed forces devoted to the national interest and that they must combat corruption. I warned that—

> Failure in these basic responsibilities of self-government will result in the achievement of the shadow rather than the substance of independence.

And that—

> It could also mean the rapid reduction of the three nations to chaos and the subsequent intrusion of some new form of foreign domination from close at hand.

In discussing the internal situation in Indochina I do not wish to indulge in personalities. I have met many of the leading figures in the governments there and it would be inappropriate for me to measure one against the other. I do not think it inappropriate, however, for the administration which has committed this country to the tune of over a billion dollars a year in Indochina to look deeply into the internal situation there. Has the administration sought to find out why popular support has not gathered more effectively behind the Vietnamese Government? What does the administration propose to do about it? Something needs to be done if the resistance of the Indochinese people to communism is to be keyed to the requirements of the situation. Something needs to be done if local armies are to be trained as effective instruments of freedom.

Has consideration been given to the possibility, by France, of issuing additional public assurances to the Indochinese states of full independence within or without the French Union as a means of rallying support to the Nationalist governments?

Has consideration been given to the appointment, by the United States, of three separate Ambassadors to the three associated states as a mark of our confidence in their future? They have 3 separate representatives in our country, and we have 1, who is accredited to the 3 states.

Has consideration been given to the use of United States technical personnel—battalion, company, platoon commanders—to work under the French high command, to speed up the training of local troops in Indochina? I understand that a new French training command has been established and that two United States officers have been assigned to that command. This indicates that the French might be changing their attitude in this respect. I am not calling for the dispatch of fresh forces from the United States. This country already has more than 750 training technicians on the island of Formosa. They have been training the Chinese Nationalist armies for years. Is it not possible that at least a part of this highly skilled United States contingent might be reassigned to Indochina? Would they not have a more immediate utility in the latter area? The Communists could hardly take retaliatory measures against this type of assistance by the United States, inasmuch as Red China already has more than 6,000 advisers in Indochina. With this kind of assistance, the Vietnamese will feel, I am sure, that an indigenous army can be trained in 2 or 3 years, at most.

It is clear to most observers what would happen were the French to leave the scene immediately. A vacuum would result which the Communists would fill overnight. The above proposal would require the French to remain in military strength for 2, perhaps 3, years until trained Vietnamese could replace their troops. In reply to such an American position, Paris might well ask why French troops should continue fighting a war, even for 2 years, if there is no promise of eventual gain to the French. In reply to this, four points can be made:

First. The United States is most anxious to implement the French desire to stop the drain both on St. Cyr—the French West Point—and its treasury.

Second. A definite proposal to withdraw French forces from Indochina within a specified time—already suggested by the distinguished majority leader—would tend to stabilize France's political situation and help restore its position in Europe.

Third. Such a proposal would give meaning to the French declarations about their intentions in regard to Vietnamese independence. With that kind of assurance, both parties could work more freely in defining the French Union, and there is good reason to believe that Vietnam would be greatly encouraged to continue its voluntary association with France within the Union.

Fourth. France has an historical obligation toward the Associated States. After many decades of colonial rule, France could be expected to continue its military commitment for 2 or 3 years, so as to assure Vietnam's successful transition from a colony to an independent state.

Mr. President, one of the keys to the problem of Indochina in many ways is the obscureness of the French position. The concept of the French Union is still so muddied that it can neither be bought or sold. Vietnam, Laos, and Cambodia recognize the values of a continued association with France but naturally want to forge that bond as independent nations. This proposal might help clarify the political as well as the military position of France. It would certainly help to disavow the growing feeling amongst the Vietnamese and other Asians that the United States is principally interested in supporting France, whatever the cost, instead of assisting the Indochinese peoples in finding freedom.

I do not know whether positive measures such as I have been discussing are

practical. The administration has not taken the Senate into its confidence, and only the administration has the facts on which to base action. I do know, however, that unless something is done, the free nations will drift into the Geneva conference already defeated on the Indochina question. I do know that unless there is unity of purpose and a willingness on the part of all concerned to make sacrifices and to rise to the realities of the situation, the only settlement which will be reached will be a settlement of appeasement.

And if no settlement on Indochina is achieved at Geneva, what then? Is the free world condemned to continue indefinitely this wasting struggle in the jungles and rice paddies? Are the French to continue to lose the cream of their military manhood in the swamps of Indochina? Is the genuine nationalist sentiment which stirs the fine people of the three associated states condemned to bitter and endless frustration? Are we in this country to resign ourselves to an outlay of a billion dollars or more every year over the indefinite future to support this never-ending war in Indochina?

This need not be the result. There is still time to end the drift. There is still time, even before the Geneva Conference opens, to rally the forces of freedom to meet the situation in Indochina. There is still time to assert a positive, purposeful leadership. There is still time, but it is running short. Will we make use of it before it is too late?

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I shall be delighted to yield.

Mr. DOUGLAS. First, I desire to congratulate the Senator from Montana on his very constructive and statesmanlike speech. It seems to me to point to the most dangerous spot in the world, to indicate the difficulties which lie ahead, and to suggest a constructive approach, while cautioning the administration to give its spiritual and intellectual reenforcement for the tasks which lie ahead.

Having said that, may I ask the Senator from Montana what the consequences would be if the Communists were to take over Indochina? Would it not be almost inevitable that Burma, Thailand, and Indonesia would quickly fall into the Communist ranks?

Mr. MANSFIELD. That is correct.

Mr. DOUGLAS. If those nations fall, will not approximately 130 million people come under Communist control?

Mr. MANSFIELD. At least that many; very likely more, in time.

Mr. DOUGLAS. Is not that the region which is the great surplus-food producing area in Asia?

Mr. MANSFIELD. That is correct. I point out to the distinguished Senator that the armies of Asia march on rice, and it is in Indochina particularly that there is found what may be called the rice bowl.

Mr. DOUGLAS. Is it not true that it is that surplus which keeps India and Japan from starvation?

Mr. MANSFIELD. That is correct.

Mr. DOUGLAS. If the Communists should gain control they would undoubtedly shut off the exportation of rice to India and Japan, so long as those countries are non-Communist or anti-Communist.

Mr. MANSFIELD. At least, they would ship rice at the price which they would specify, which would not always be in dollars.

Mr. DOUGLAS. Is it not extremely probable that they would starve India and Japan into the Communist ranks?

Mr. MANSFIELD. That is definitely a possibility.

Mr. DOUGLAS. Does not the Senator think it is a probability?

Mr. MANSFIELD. It is very likely a probability.

Mr. DOUGLAS. So that what is at stake is not merely control by the Communists of Indochina and all Asia, but also of the area which, in addition to its rice potential, produces two-thirds of the world's supply of rubber and a great quantity of tin.

Mr. MANSFIELD. That is correct.

Mr. DOUGLAS. I consider that the Senator has performed a public service of great magnitude in inviting attention to the problem involved.

Mr. MANSFIELD. I thank the Senator from Illinois.

Mr. DOUGLAS. I was greatly pleased by the compliments which the Senator paid to the good intentions of the Secretary of State. I think it is helpful to go into the Geneva conference feeling that the American people have confidence. Does not the Senator think that if a similar attitude had been adopted by the majority party when Secretary Acheson participated in certain conferences there would have been a better result?

Mr. MANSFIELD. There can be no question about that, but I think the Democrats should not look backward too much. I believe we should do what we can to keep this Government of the United States on an even keel, as we always try to do, and that we should try to forget politics at the water's edge.

Mr. DOUGLAS. Is it not true that we hope the force of our good example will have some influence upon our friends on the other side of the aisle?

Mr. MANSFIELD. I certainly do. I thank the Senator from Illinois.

NEW MEXICO SENATORIAL ELECTION

The Senate resumed the consideration of the resolution (S. Res. 220) declaring the judgment of the Senate to be that no person was elected as a Member of the Senate from New Mexico in 1952 and that a vacancy exists in the representation of that State in the Senate.

The PRESIDING OFFICER. The question is on agreeing to Resolution 220.

Mr. BARRETT obtained the floor.

Mr. KNOWLAND. Mr. President, will the Senator from Wyoming yield so that I may suggest the absence of a quorum?

Mr. BARRETT. I yield for that purpose.

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	McCarran
Anderson	Goldwater	McCarthy
Barrett	Gore	McClellan
Beall	Green	Millikin
Bennett	Griswold	Monroney
Burke	Hayden	Morse
Bush	Hennings	Mundt
Butler, Md.	Hickenlooper	Murray
Butler, Nebr.	Hill	Neely
Byrd	Hoey	Payne
Capehart	Humphrey	Potter
Carlson	Hunt	Purtell
Case	Ives	Robertson
Chavez	Jenner	Russell
Clements	Johnson, Colo.	Saltonstall
Cooper	Johnson, Tex.	Schoeppel
Cordon	Johnston, S. C.	Smith, Maine
Daniel	Kefauver	Smith, N. J.
Dirksen	Kilgore	Sparkman
Douglas	Knowland	Stennis
Duff	Langer	Symington
Dworshak	Lehman	Thye
Ellender	Long	Upton
Ferguson	Magnuson	Watkins
Flanders	Malone	Welker
Frear	Mansfield	Wiley
Fulbright	Martin	Williams
George	Maybank	Young

The PRESIDING OFFICER. A quorum is present.

Mr. BARRETT. Mr. President, I ask unanimous consent that attorneys for either of the parties to the contest may be permitted the privilege of the floor, notwithstanding the fact that they are not on the payroll of the Senate.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that the attorneys for the two parties involved may have access to the floor of the Senate, notwithstanding the fact that they are not Members of the Senate. Is there objection?

Mr. HENNINGS. Mr. President, will the Senator from Wyoming yield for one observation?

Mr. BARRETT. I yield.

Mr. HENNINGS. The distinguished chairman of the subcommittee, the Senator from Wyoming, and I agreed earlier in the day that committee counsel, Mr. Ware, and the counsel who served for a short time at the suggestion of the minority, Mr. Ehrlich, might, for the purpose of the consideration of the resolution, have permission to sit on the floor of the Senate.

Mr. BARRETT. As the Senator from Missouri may remember, I mentioned also Mr. Bigbee, who is present, and who had been acting as counsel.

Mr. HENNINGS. I ask the Senator's indulgence. I was engaged in conversation on another matter and did not hear what the distinguished Senator had to say.

I would have no objection to Mr. Bigbee's being on the floor of the Senate. I understand he was counsel for General Hurley. Is that correct?

Mr. BARRETT. I believe he was representing General Hurley.

Mr. HENNINGS. By the same token, I assume—and if I am not correct in the assumption, I should like to have the distinguished chairman of the subcommittee so state—that if from time to time any counsel representing the distinguished Senator from New Mexico [Mr. CHAVEZ], none of whom I have seen, desire to come upon the floor for

various purposes in this connection, they may do so. I do not know whether they are present today; there was some indication that some of them might be here.

Mr. KNOWLAND. Mr. President, will the Senator from Wyoming yield?

Mr. BARRETT. I yield.

Mr. KNOWLAND. Certainly I would have no objection to a unanimous-consent request that they may be available for consultation with the chairman of the subcommittee and the ranking minority member of the subcommittee upon technical or other aspects of the case. But when the Senator from Missouri says "for various purposes," that is pretty broad. Of course, I would not want those who are counsel for either the majority or the minority to go beyond furnishing advice to the members of the committee and try to have a voice on the floor of the Senate.

Mr. HENNINGS. I take it the majority leader suggests that counsel may not address the Senate.

Mr. KNOWLAND. That they may not address the Senate or may not, as it is commonly called, lobby Members on the floor.

Mr. HENNINGS. I think we can all agree that these gentlemen will observe all the proprieties of the Senate. They will be here only as legal counsel or consultants, and will in no way interfere with the procedure of the Senate.

Mr. KNOWLAND. They will act in the normal way that a committee clerk acts for a committee chairman, namely, to be available to answer questions or for consultation on technical matters.

Mr. HENNINGS. Precisely. I think that is understood by all of us.

The PRESIDING OFFICER. The Chair understands that the Senator from Missouri is asking not merely that the counsel for the contestants have permission to be on the floor, but that counsel for the committee and counsel for the minority of the committee likewise be permitted to have the right to the floor.

Mr. BARRETT. I intended that my unanimous-consent request should include the attorneys for both parties. I think I said that.

The PRESIDING OFFICER. The Chair understood that, but he did not understand the request to include counsel for the committee on the side of the minority.

Mr. HENNINGS. I may explain what I did mean. The chairman of the subcommittee, the Senator from Wyoming, suggested that Mr. Bigbee, who was one of counsel for Mr. Hurley, be allowed to come on the floor of the Senate for the purpose of advising and consulting with the chairman of the subcommittee representing the majority. The representative of the minority, the Senator from Missouri, countered with the suggestion that counsel representing the Senator from New Mexico [Mr. CHAVEZ] be allowed the same privilege. I heard that such counsel would be present. I have not seen any of them, or talked with any of them. However, if Mr. Bigbee is to come upon the floor, the minority would like to be accorded the same consideration and have permission for counsel for the Senator from New Mexico to come upon the floor, if it seems necessary or desirable.

Mr. BARRETT. To which the Senator from Wyoming agreed.

Mr. HENNINGS. Mr. President, I think there is a meeting of the minds as to what we are mutually agreed upon.

The PRESIDING OFFICER. Is there objection to the request as stated by the Senator from Missouri and as agreed to by the Senator from Wyoming?

Mr. ELLENDER. Mr. President, are we to understand that, in addition to the lawyers and the advisers of the committee, there will be permitted on the floor of the Senate as many lawyers as have represented Senator CHAVEZ and Mr. Hurley? Is that the understanding?

Mr. HENNINGS. Mr. President, I might say I do not think I suggested that any lawyers come upon the floor, other than committee counsel or those who have been suggested by the committee.

Mr. ELLENDER. I am not offering an objection, but I wish to be certain whether permission is to be granted to all lawyers on both sides.

Mr. HENNINGS. I may say to the distinguished Senator from Louisiana that I simply desired to be assured that the minority is to be accorded the same right, in terms of counsel for Senator CHAVEZ, who may or may not come upon the floor, as has been requested by the chairman of the subcommittee on behalf of counsel for General Hurley. As a matter of courtesy, I have acceded to that request of the chairman of the subcommittee. Lawyers like to get along as best they can in developing a case. If the chairman thinks it is necessary, or I think it is advisable, I would like to make sure, both for his side and for the minority, that such persons will be accorded the privilege of coming upon the floor.

Mr. KNOWLAND. Mr. President, I think it is important, as a matter of precedent and otherwise, that the question under discussion be clarified. I fully agree that whatever courtesies the majority have extended to them should likewise be extended to the minority, so far as counsel for the committee, representing the majority, and counsel representing the minority, are concerned. I believe we are all in agreement on that.

I should personally have no objection to there being present on the floor a representative of Mr. Hurley, with whom the distinguished chairman of the subcommittee might desire to consult at times on certain technical aspects of the case. Certainly, if that course is to be followed, the minority is entitled to the same privilege. However, I would suggest that the door not be opened too wide, because, in reading the testimony the other day, I discovered that at one time or another 5 or 6 attorneys were allowed in the committee. I would suggest that the privilege be limited to one counsel at a time, in order that there may not be half a dozen attorneys present, making it difficult for Senators to follow the proceedings. There should be a complete balance between the majority and the minority.

Mr. ELLENDER. That is the reason why I sought to have the matter clarified. I know there were as many as 6 or 7 lawyers on either side, and certainly we would not want that many counsel on the floor of the Senate.

Mr. KNOWLAND. I agree with the Senator from Louisiana.

Mr. ELLENDER. I wonder if we could have the number limited to one to each side.

Mr. BARRETT. Mr. President, so far as I am concerned, one on each side would be quite satisfactory. I am sure that would be agreeable to the Senator from Missouri.

Mr. HENNINGS. I think it would be a bad precedent, and would not be in the best interest of the orderly presentation of the case. It think it would be likely to be confusing. However, it has always been my effort, in the practice of my profession, to accord every reasonable courtesy, and even to extend to counsel on the other side, insofar as I could what might be beyond what I sometimes thought reasonable and proper consideration.

When the Senator from Wyoming asked me this morning if Mr. Bigbee, one of several lawyers whom General Hurley had employed, could come upon the floor of the Senate, I said it would be agreeable to me, however, with the proviso that the same privilege might be extended to certain of counsel for Senator CHAVEZ, if they were here and desired to come upon the floor, in the same number as those on the floor representing General Hurley. I doubt very much that I shall exercise my portion of this bilateral understanding. I doubt very much that I shall undertake to avail to outside counsel upon the floor. However, I did not want to limit the chairman of the subcommittee and the majority representative by saying, "No; I won't stand for it." I do not like to operate in that way.

Mr. BARRETT. Mr. President——

Mr. THYE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. THYE. Reserving the right to object, there is a request for a unanimous-consent agreement pending, is there not?

Mr. BARRETT. Mr. President, I should like to make a statement, and I therefore withdraw the unanimous-consent request.

The PRESIDING OFFICER. The Senator from Wyoming withdraws the unanimous-consent request.

Mr. BARRETT. I might state at this time that there would not be any violation of precedents in the United States Senate if my request were granted, because in a previous contest before this body, Mr. J. Thomas Heflin, who was present and not a Member of the Senate, was accorded the privilege of speaking before the Senate for 2 hours, and at the conclusion of the 2 hours, he was granted an additional 2 hours. So no question of precedents is involved. The matter is not of any great importance, so I withdraw the request.

Mr. THYE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. BARRETT. I yield for a question.

Mr. THYE. If the counsel who have been referred to are the same as the committee counsel, if they have served in the investigations which have been held, in order to develop the facts, and have so served as a part of the committee staff, it is not an unreasonable request that they be permitted to sit on the Senate floor and assist members of the committee, whether minority or majority members. I think it is proper procedure that a committee member, whether he be of the minority or of the majority, be permitted to have present on the floor such counsel. I believe a unanimous consent request that counsel for the majority and the minority might be permitted to be on the floor should be granted. I think it would be helpful to the Senate.

Mr. BARRETT. I might say to the distinguished Senator from Minnesota that I thought there would be no objection to the request. I consulted the Senator from Missouri and was under that impression. However, it is not a matter of any importance at all, so I have withdrawn the request.

I should like to announce, Mr. President, that I prefer not to yield while I make my statement, as there are a number of rather complex legal problems involved.

Mr. President, seldom it is that the United States Senate is called to sit in a semijudicial capacity to pass on the election of one of its own Members. This is no ordinary occasion. Yet in our lifetime a good many contests have been filed, and, as a result, several Senators have lost their seats.

We did not seek to serve on this committee. Not only are the duties extremely difficult, but they are severally unpleasant, as well. The issue confronting us today, Mr. President, is far above and beyond the scope of partisan politics. We have consistently endeavored to keep this proceeding on a high plane. We have endeavored to approach this task with free and open minds, in order to preserve the integrity of the Senate. Almost interminable roadblocks were placed in the way of the committee as we set out to do our work.

Our duty is clear and unmistakable. As an arm of this body, we are charged with the responsibility of determining the facts in connection with the last senatorial election in New Mexico, of applying the applicable law to those facts, and then of rendering to this body our findings and reports. This we have done. The Constitution clearly places on the Senate the responsibility for the decision. That is done by article I of section 5, which provides, "that each house shall be the judge of elections, returns, and qualifications of its own Members."

Mr. President, we trust that the Senate will bear with us while we report the facts as we find them to be, and call attention to the applicable law as we see it. Then, in the words of the Supreme Court of the United States, the United States Senate will be obliged to "thereafter render a judgment which is beyond the authority of any other tribunal to review."

The basic problem involved in this proceeding, Mr. President, is whether we shall protect the people in free elections by means of a secret ballot. We are not unmindful of the fact that our country has assumed world leadership in demanding for free men everywhere the right to govern themselves under free elections with a secret ballot. That is the fundamental doctrine upon which the principles of liberty and freedom thrive and exist. No one could be so inconsistent as to insist upon free elections and secret ballots for the unfortunate people of other lands, and not, at the same time, insist that the rights of our own citizens to free elections and secret ballots also be guaranteed.

In the early days of the Republic, our forefathers were jealous of their rights and prerogatives as citizens of the United States. Everyone took part in town meetings. To vote was considered not only a great privilege, but a solemn duty. In those days it was a custom for the people to send petitions to Congress, and invariably those petitions would start out with the statement: "We, the undersigned citizens of the United States, do hereby petition." They indicated, thereby, their great pride in the fact that they were citizens of the United States, and that they were intensely interested in their Government, and that they meant to take their full part in the affairs of their country.

Down through the ages, men have fought and died for the right to govern themselves; and for more than 2,000 years, free men have recognized the importance of a secret ballot. In ancient Greece, a system of secret voting was employed, especially when a question of exile arose. The Roman tribes determined tribal choice by a secret ballot. By the way, Mr. President, the word "ballot" comes from the old Roman word "Lallotta," which means a ball used in taking a secret vote.

In the early days of our country, Pennsylvania and Delaware were the first to use ballots. The Australian ballot system was first adopted in the State of Michigan. Even in those days it was recognized that exposure of the ballot was largely responsible for fraud and bribery and for corruption, wherever found to exist.

The secret ballot was the subject of agitation and earnest debate over a long period of years. Labor unions and kindred organizations representing the rank and file of the people insisted upon a secret ballot, so that they could exercise the great privilege of citizenship in an atmosphere free of influence, coercion, fraud, or intimidation. The several States wrote laws which enabled and, in most cases compelled, the voter to express his choice in absolute secrecy. Therefore, the adoption of the Australian ballot system was a milestone on the pathway of the progress of a free people.

History is replete with examples of great empires, such as Greece and Rome, that have fallen by the wayside, largely because they departed from the old tradition of allowing the people freely to express and work their will. To my way of thinking, the secret ballot is the cornerstone upon which the structure of constitutional government has been built here in America.

If one were to set out to destroy the priceless guaranties of freedom of speech, freedom of the press, freedom of assembly, and freedom of religion, as incorporated in our Bill or Rights, he would first seek to destroy the secrecy of the ballot.

In the century following the formation of the Union, this country witnessed the greatest mass movement of people in the history of mankind. They traveled thousands of miles from their homelands, to set up homes in the New World. They came from many countries, and spoke different languages. There was a wide difference in their customs and their ways of life. They set out on their great adventure with a definite and specific objective in mind. Certainly they hoped for material success, but by no means was this the underlying motive. They knew that nowhere else on earth do the common people enjoy the blessings of liberty as they do in this great land of ours. They knew our Government was founded upon the principle of the seriousness of human life and the sacredness of personality and the dignity of man. They came here because they wanted to rear their children in the clear sunlight of freedom and liberty, with all the opportunities that flow from those priceless guaranties of the Constitution, not the least of which is the right to a secret ballot. They came here because they wanted to live in peace with their neighbors, and to become good citizens in our new land of freedom.

It was freely predicted, Mr. President, that it would be impossible to hold together, in the Union, States composed of people of such divergent extractions. As a result, it was no secret in those days that Great Britain fully expected there would be a complete disruption of the union of States.

Our forefathers recognized full well the social and cultural differences existing among the people of the various States of the Union. That is why article I, section 2, of the Constitution empowered the State legislatures to enact, for the conduct of their elections, laws which would meet the individual characteristics of the people of each State. The natives of New Mexico are a hard-working, honest, God-fearing, law-abiding people. The early-day settlers of Spanish extraction have bounteously contributed their full share in the building of their State. For centuries, great numbers of the native populations were largely dependent for just and fair treatment upon the wealthy dons, for whom they worked. Those good people patiently spent their lives seeking to avoid friction with their superiors. Upon the slightest suggestion they were quite willing to subordinate their desires to those of the persons having authority over them. Against that background, the Legislature of New Mexico was obliged

to write an election code which would adequately protect these humble people in the exercise of their new responsibilities as citizens of one of our great States. To my way of thinking, New Mexico has an election code equal, if not superior, to that of any other State in the Union, insofar as ballot secrecy is concerned.

The people of New Mexico intended to assure for themselves a secret ballot, when on January 11, 1911, they adopted article 7, section 1, of their constitution, reading in part:

The legislature shall enact such laws as will secure the secrecy of the ballot, the purity of elections, and guard against the abuse of the elective franchise.

There, in strong and unmistakable language, the New Mexico Constitution commands the Legislature of New Mexico to enact suitable legislation guaranteeing the secrecy of the ballot to the citizens of that State. The legislatures of New Mexico have diligently and faithfully executed the sanctions of their constitution.

The well-accepted rule as set forth in Black's handbook is that the words "shall" and "must" as used in election codes are generally considered imperative or mandatory. He points out on page 525, section 147a, the rule:

A statute or statutory provision is said to be mandatory when it commands and requires that certain action be taken by those to whom the statute is addressed, without leaving them any choice or discretion in the matter, or when, in respect to action taken under the statute, there must be exact and literal compliance with its terms, or else the act done will be absolutely void.

Then again, it is agreed that "when a legislative provision is accompanied with a penalty for failure to observe it, the provision is mandatory." Finally—and this is most important—the legislature can leave no room for doubt that it was intended that its enactments were mandatory by expressly declaring that the discharge of the duties imposed shall be mandatory. The election code of New Mexico uses the word "shall" in nearly every section. Furthermore, most sections provide a penalty for failure to perform the duties. Then, again, some of the statutes declare by express terms that the duties imposed are mandatory, as I shall show a little later.

The most important section of the election code of New Mexico is the one relating to election booths. The voting booth is the device universally associated with the secrecy of the ballot. The Legislature of New Mexico has adopted statutes which make the use of voting booths mandatory. We shall cite cases hereafter from courts of other States holding statutes far less commanding in tenor than New Mexico's to be mandatory. The following excerpts from the New Mexico Code, section 56–311—laws 1941 amended—makes crystal clear that the provisions of the law are to be strictly adhered to and are mandatory in character:

Said booths shall be so constructed that, when set up for use, the voter occupying said booth shall be screened from view of persons on the outside of the booth during the operation of voting the ballots.

Said booths shall be furnished with supplies and with some convenient arrangement enabling voters to mark and fold their ballots in secrecy.

Boards of county commissioners shall provide a polling place in each precinct or election district and a sufficient number of booths or compartments for use at the election, which shall not be less than 1 such booth or compartment for each 125 voters or fraction thereof registered in said precinct or election district.

The board of county commissioners, however, are charged with the duty of supplying to each precinct or voting division the booths herein described, and the provisions of this section as to the discharge of such duties shall be mandatory. The willful neglect or omission of such duty shall be cause for removal of such county commissioners from office in a proper proceeding, brought under the provisions of section —. The willful violation of the provisions of this section by any board of county commissioners or member thereof shall be a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not exceeding $300 or by imprisonment not exceeding 60 days, or both.

It is very evident from a reading of the statute that the word "shall" is used; that the statute says that the law is mandatory; and that a penalty is prescribed for violation of the statute—all three distinguishing marks of a mandatory statute.

Section 56–312 states in part as follows:

Instructions to voters: 1. * * * after receiving your ballot go directly into a booth. Do not mark your ballot so that anyone may observe how you have marked it.

The first instruction to a voter, is "Go directly into a booth," before marking the ballot.

Section 56–319, excerpts are taken in part from the statute prescribing instructions to election officials:

(4) See that election booths or compartments are properly installed and furnished with shelf or table for marking ballots, cards of instructions to voters, and pens and ink and indelible pencils.

(5) * * * do not admit more than eight persons to the room in which the voting is being conducted at one time and admit a lesser number if necessary to prevent crowding or confusion.

* * * * *

(10) Do not permit any voter to vote except in the booth.

That is a positive instruction to the election officials, and I repeat it:

Do not permit any voter to vote except in the booth.

(11) * * * the elector shall immediately go into the voting booth and mark his ballot.

That is an instruction that is mandatory if there ever was one.

(29) Failure to follow the foregoing instructions may result in the rejection of the entire vote in your voting division. These instructions must be followed carefully.

The word "must" is just as mandatory as the word "shall."

The intent of the legislature to secure secrecy of the ballot is further demonstrated by the duties imposed upon the county clerks by section 56–324, laws 1951, as amended:

(1) It shall be the further duty of the county clerk to direct the attention of the county commissioners to the mandatory provisions of the election code relative to booths.

I invite attention to the word "shall"—

It shall be the further duty of the county clerk to direct the attention of the county commissioners to the mandatory provisions of the election code relative to booths.

That language was written so that no man could be mistaken about what was intended.

(2) It shall be the duty of the county clerk to ascertain what arrangements have been made for the furnishing and delivery of booths as ordered by the county commissioners and to provide for carrying such arrangements into effect.

(3) It shall be the duty of the county clerk to deliver or arrange for delivery * * * to the judges of elections * * * (d) the voting booths.

It shall be further the duty of the county clerk to direct the attention of the county commissioners to the mandatory provision of the election code relative to booths.

The willful failure of the county clerk to comply with the provisions of this section in the matter of furnishing election supplies and booths shall be deemed a misdemeanor and upon conviction thereof shall be punished by imprisonment not to exceed 1 year or a fine not exceeding $1,000 or both.

SEC. 56–336. Removal of ballots from election room—except as in this act (chapter) elsewhere provided, no person shall be permitted by the judges of election during the conduct of any election to remove from the room in which the election is being conducted, any official ballot. No ballot so removed and marked, except in the proper booths under the supervision of the election officials, as provided in this act (chapter), shall be deposited in any ballot box or counted or canvassed by any election officials or canvassing board.

There, in the clearest language possible, we find the injunction that no ballot shall be marked except in proper booths under the supervision of election officials, as provided in this act, and that no ballot improperly marked shall be counted or canvassed by any election officials. That is just as plain as it could be.

I read an excerpt from section 56–347:

In any election contest a prima facie showing that the election officials of any election division have failed to substantially comply with the provisions of the election code designed for protecting the secrecy and sanctity of the ballot and the correct recording of the names and ballot numbers in the poll books and the entering of the ballot numbers in the book of bound original affidavits or registration, as herein provided, shall cast upon the candidates of the political party which had majority representation upon the board of election officials for such election division the burden of proving that no fraud, intimidation, coercion, or undue influence was exercised by said election officials and that the secrecy and purity of the ballot were safeguarded and no intentional evasion of the substantial requirements of the law was made. Upon failure to make a showing upon which the trial court shall so find, the votes of such entire election division shall be rejected, provided that no such rejection shall be so made where it appears to the trial court that the election officials ignored the statutory requirements with the probable intent of procuring the rejection of the vote of such election division.

The committee was not concerned with the rule governing procedure set forth in 56–347, but solely with the substantive provision that in the event the secrecy and purity of the ballot were not safeguarded the returns from the precinct must be rejected in toto.

That is the only conclusion we can draw from that section, namely, that in the final analysis the court, in the first instance, would be called upon to decide, and the Senate is now called upon to decide, that if in any precinct the secrecy and purity of the ballot were not safeguarded by reason of these violations of the code in conducting the election, the vote in the entire precinct must be rejected.

It seems plain and evident to us that, under the provisions of sections 56–336 and 56–347, referred to above, when the facts are established, that the secrecy and sanctity of the ballot were not protected, at least in cases where no voting booths at all were furnished, the ballots in such precincts must be rejected according to the mandatory and clear provisions of New Mexico law.

It must be noted that the above statutes are written in the most commanding terms known to the English language. If these statutes are not mandatory, then we assert that no statutes in any of the 48 States of the Union can be construed to be mandatory, for New Mexico's statutes in this respect are the strongest of all. We were therefore amazed to hear the chief counsel for the Senator from New Mexico [Mr. CHAVEZ] excuse the flagrant disregard of these secrecy laws, including the necessity of providing voting booths, on the basis of custom. It is interesting to note that in 1935 DENNIS CHAVEZ, now Senator, contested the seat of Bronson Cutting on many of the identical grounds now asserted by General Hurley in this contest.

In paragraph 9 on page 4 of his petition against Senator Cutting, Senator CHAVEZ through his attorney, A. T. Hannett, who by the way is his attorney in this contest, alleged:

> While a large number of persons cast their vote by marking the same openly on a table in the presence of judges, clerks, and bystanders.

Revealing is the statement made by Mr. Hannett, then and now, attorney for Senator CHAVEZ, commencing at the bottom of page 61 of the hearings in the contest of Chavez against Cutting. Mr. President, this will be quite illuminating.

> Mr. HANNETT. We contend that not alone these particular votes we have named, but in San Miguel County that 65 out of 67 precincts should be absolutely thrown out. We expect to show before this committee—and I am not testifying—that the secrecy of the ballot was absolutely destroyed and disregarded. We will show that by the testimony of their own officers, the board of county commissioners and county clerks; and the statute says there shall be voting booths in each precinct, and we will show by those same officers that there were none except in 1 or 2 precincts.
>
> Senator CONNALLY. If you do not show fraud, that would not invalidate the election.

I call attention again to the question raised by Senator Connally at that time, addressing Mr. Hannett, who was then and is now the attorney for the senior Senator from New Mexico [Mr. CHAVEZ]:

> Senator CONNALLY. If you do not show fraud, that would not invalidate the election.
>
> Mr. HANNETT. We claim that is fraud.

I call attention also to the following colloquy from the hearing in the 1935 case:

> Senator KING. Are not some of those provisions to which you have directed attention declaratory rather than mandatory?
>
> Mr. HANNETT. Some of them, and some are mandatory. It is mandatory that they vote in secret.
>
> Senator KING. Proceed.
>
> Mr. HANNETT. It is mandatory that the vote be secret. It is mandatory that they register. There is no question about that. There was a concerted effort to defeat those provisions.

We were not surprised at all, therefore, when Governor Hannett in this contest on May 27 last, contended that the law requiring voting booths is mandatory. See page 162 of the hearings, Hurley against Chavez.

> In the 33 precincts I spoke of the law was—where Mr. Hurley carried by very enormous majority—the following statutes were, as I understand it, and we expect to be able to prove it, the following statutes were openly violated: The county commissioners are required, and the law is mandatory to furnish a voting booth for each 125 registered voters. In precinct 33D of Bernalillo County there was cast a total of 1,227 votes. And there was only six voting booths in that precinct. We will have no difficulty in proving beyond peradventure of a doubt, given an opportunity, that the law requiring voters to vote within a booth was generally if not totally disregarded.

Our subcommittee with all 3 voting in the affirmative adopted as one of the rules of the recount on May 28 of last year paragraph 4 (t) as follows:

> Flagrant violations of secrecy of the ballot in a precinct shall be considered by the subcommittee as a basis for rejecting the entire vote of such precinct irrespective of the existence or inadequacy of the voting booths or compartments in that precinct.

Mr. President, that "covers the waterfront." Under all the circumstances mentioned, the committee unanimously agreed—the majority members and the minority members—that flagrant violations of secrecy would be sufficient reason to throw out the vote of the entire precinct.

Staff investigators interviewed thousands of voters in every corner of the State. In fact the committee files contain about 3,000 signed statements supporting the nonsecrecy findings of this committee. We found that in 273 precincts located throughout 25 of the State's 32 counties, the voters were denied the right to a secret ballot. At least 55,000 persons, or 1 out of every 5 voters, were forced to cast their ballot in violation of their constitutional right to a secret ballot or, in the alternative, to refrain from voting. It is common knowledge that large segments of the population refuse to participate in New Mexico elections because of the inability to cast a secret ballot and because of the general impression that their ballots would in any event be illegally changed to defeat the voters' purpose.

In 163 precincts no voting booths were provided.

Mr. President, let me repeat that statement. In 163 precincts no voting booths were provided at all. Not the slightest attempt was made in these precincts to guard against the violation of the secrecy of the ballot, and the laws were generally disregarded. In fact, the election officials in these precincts wilfully prevented the voters from casting a secret ballot. As one voter described it:

> The voters are herded into the voting places like so many sheep through a corral.

Voters marked their ballot in full view of the election officials, party challengers, political workers, and other voters at the polling place. More than 22,000 people were forced to cast their ballots under such conditions. In these precincts Senator CHAVEZ received 13,426 votes, General Hurley received 8,855 votes, resulting in a Chavez plurality of 4,571 votes. What the results would have been if secrecy had been protected no man can say.

In a second group of precincts no voting booths were provided by the county government, but some attempt to provide makeshift voting facilities were attempted by the precinct officials in a very limited and deliberately ineffective manner. However, in these precincts the violation of the rights of the voters was so great that the committee could only conclude that votes in these precincts should be disregarded. Seventy precincts in 19 counties where 7,962 voters voted were found by the subcommittee to be within this classification.

A third group of precincts involved situations where voting booths had been supplied, but in entirely inadequate numbers, and the officials made no attempt to comply with the laws regarding protection of the secret ballot and the voters were in large numbers denied a secret ballot. Senator CHAVEZ challenged the votes of more than 16,000 persons in this classification. The committee examined these precincts and the evidence supplied by Senator CHAVEZ and agreed that votes cast under such conditions should be rejected. Classified in this category are those cases as to which the election was completely out of control of the officials. Voters wandered about the building or outside of the building where the election was held. Every Member of the Senate should take judicial notice of the fact that there was hardly a precinct in the entire State which on election day was not infested with partisan political workers who campaigned in the polling places in violation of law.

No more subtle device has been devised for the intimidation and coercion of voters and the improper control of elections than the elimination of the facilities for secrecy of the ballot. Make no mistake about that. It was in the mid-19th century that the advocates of the "Australian ballot system" made their fight for secrecy of the ballot. It was the early labor leaders who fought against the intimidation of workers at the polls by representatives of industry. It was the social worker who fought against the intimidation of the unscrupulous mortgage broker. It was the conscientious, hard-hitting citizens of the State of New York who fought against the Tammany bosses in the city of New York. Mr. President, secrecy of the ballot has become such a part of our election system that the committee

could find no present-day parallel in fact or in law to which comparison could be made.

The committee attempted to ascertain why so many precincts were not furnished with voting booths. It was suggested on behalf of supporters of Senator CHAVEZ that the reason was inadequacy of funds in certain counties.

Investigation wholly failed to support this contention. There was never found an instance of application having been made in any of these counties for funds to obtain voting booths. The statutory procedure for obtaining such funds involves the setting up in the county budget of items for this purpose. The records show that in the counties involved there had never been an application for such a budget item. The committee was able affirmatively to establish that there had not been the slightest attempt made by any of the county commissioners to obtain funds for the purpose of complying with the statutes relating to voting booths. The amount required for any one county would not have exceeded the sum of $100. Obviously, the booths were not furnished, and the availability of funds had nothing to do with this.

An illustration showing how ridiculous this contention is relating to the excuse of no voting booths on the basis of funds is shown by referring to Santa Fe County. In this county there were sufficient funds to obtain voting machines costing thousands of dollars for some of the precincts of the city of Santa Fe itself. However, outside the city itself seven precincts did not have even voting booths, which would have cost not more than $5 for each precinct. The same was also true in Dona Anna County, where voting machines were furnished in some precincts, but in 12 precincts no voting booths were provided. The same was true in Eddy County. The excuse that the failure to have voting booths had something to do with finances strictly did not hold water and was not supported by the facts.

Actually the committee cannot ignore the fact that within the same county adequate facilities would be provided in certain precincts within the county and would not be provided in other precincts within the same county. In every case the precincts which were not furnished voting booths were mainly inhabited by persons whose economic and educational conditions made them peculiarly subject to being victimized by intimidation and coercion. That is something to consider.

It is the responsibility of the Senate, Mr. President, to see that these people are no longer politically exploited.

Let us now summarize and see what the actual situation in New Mexico was. As previously stated, approximately 1 person out of 5, more than 20 percent of all the people voting, or 55,000 voters, were deprived of their constitutional and inherent right to cast their vote in secret. Where so many illegal votes are involved it is impossible to determine the winner in so close a race as the one involved here. Would any Member of this body cast his vote to accept the results of an election in Korea or in East Germany under such circumstances as are established in this case? If so, why is this country insisting on secret elections abroad?

There may be Members of this body who suggest that, based upon the same election, the casting of four electoral votes for Mr. Eisenhower should be questioned. Fortunately these four votes did not decide the Presidency of this Nation. It is shocking beyond thought to conceive of a situation where the Presidency of the United States could be determined by the casting of New Mexico's electoral votes under circumstances existing in the last New Mexico election. Such a situation must be prevented. Such a circumstance would result in the actual disenfranchisement of millions of people in the United States merely by the action of the unscrupulous and dishonest election officials in precincts where about one-fifth of the voters in New Mexico vote.

Because of the strong position taken by Senator CHAVEZ and his eminent counsel, A. T. Hannett, not only in the contest against Senator Bronson Cutting in 1935 but in the current contest of Hurley against Chavez, contending that the election statutes of New Mexico with reference to the secrecy of the ballot are strict and mandatory, I was surprised, indeed, to find the minority member of our committee in his report contend, apparently in a serious vein, that those same statutes were not mandatory. We had previously read all the cases cited in the minority report. It is true that a few of the cases are in point and concern voting-booth cases, but we are constrained to say to the Senate that the cases cited in the minority report follow the minority rule as laid down by the courts of America. A study of the appropriate statutes shows that each and every State has a voting booth or voting-machine statute guaranteeing a secret ballot. All the statutes are mandatory in character, but the New Mexico statute is by far the strongest and the most mandatory in the Union for the following reasons:

First. Proclaims it mandatory by direct terms. How can there be any doubt about it?—56–311.

Second. By use of other mandatory terms, such as "must" and shall"—56–311.

Third. Officers neglecting to provide may be punished—56–311.

(a) Officers' noncompliance with statutes relating to secrecy under certain conditions, vitiates all votes—56–347.

We have made an exhaustive search of all the cases cited on this question, and without a doubt the majority rule in America supports the position taken by the majority in its report.

The specific question of whether or not the absence of voting booths and the protection of secrecy requires the elimination of the entire returns of a precinct or election district has not been directly passed upon by the Supreme Court of the State of New Mexico. There has been a case decided by the New Mexico Supreme Court which involves a similar principle, namely, whether or not the failure of election officials to comply with a mandatory provision of the election law requires that the election returns from such precinct be wholly disregarded. This is the case of *State ex rel. Read* v. *Crist* (179 P. 629, 29 N. M. 175), in which the relator, Alexander Read, was the Republican candidate for district attorney for the first judicial district, and the respondent, Jacob H. Crist, was the Democratic and fusion candidate for the said office. At the general election in November 1916 it appeared that from 3,000 to 4,000 ballots, facsimiles of the regular State and Santa Fe County Republican ballots, were printed a few days before the election upon the order of one George Albright, assistant chairman of the Republican State central committee, and were delivered a few days before the election to the Republican State central committee. The ballots were not printed by order of, nor were they caused to be printed by, the county clerk of Santa Fe County, as the law required. A few days before the election the ballots were pasted over in part with stickers or pasters of certain Democratic candidates and certain Independent Republican candidates by pasting over the names of certain Republican candidates, including the relator, the stickers or pasters of opposing Democratic or Independent Republican candidates.

The ballots so pasted and prepared were distributed to the voters on the day of election in precincts 17, 3, 18, and 4 of the county of Santa Fe. Throughout the day of the election these ballots were given out and distributed to the voters by the workers of the Independent Republican Party, and many of the ballots were voted without change, and many were changed by voters and then voted. If these ballots were held to be illegal and not counted, the result would be that the relator was elected to the office of district attorney. The trial court found that—

> No evidence had been offered to show that any voter who voted at said election was deceived by said ballots or that he thereby voted for any candidate other than the one of his choice.

That was the finding of the district court. The court, in effect, said, "There is no evidence that the voter was deceived or that he was caused to vote for someone for whom he did not wish to vote." It is very interesting to read what the Supreme Court of New Mexico held.

It was provided by section 1993 of the code of 1915 that—

> Ballots other than those printed by the respective county clerks, according to the provisions of this article, shall not be cast, counted or canvassed in any election.

The only questions of law involved in the case were, first, whether the provisions of the statute were directory or mandatory, and second, whether the statute was constitutional. The Supreme Court of New Mexico held the statute to be both constitutional and mandatory in its provisions, notwithstanding the fact that, so far as the record disclosed, no voter was deceived by the use of the unofficial ballots or voted for any candidate other than one of his choice. In ruling upon the question the court in the Read

against Crist case made the following remarks—and they are important—

The voter should not lightly be deprived of his right, nor should the successful candidate suffer, if by any reasonable interpretation of the laws governing elections it can be prevented. On the other hand it is probably better that individual voters and candidates should suffer in a given instance than that the doors to fraud and imposition may open and the secrecy and purity and security of elections be destroyed. We feel confident, however, that the practical consensus of opinion is that under a constitutional provision like ours, which provides in section 1 of article 7 that "the legislature shall have power to require the registration of the qualified electors as a requisite for voting, and shall regulate the manner, time, and place of voting. The legislature shall enact such laws as will secure the secrecy of the ballot, the purity of elections and guard against the abuse of elective franchise" The legislature has power to provide, as it did provide by the section of the statute heretofore set out, that only official ballots emanating from a proper official source should be cast, counted, or canvassed. That the statute is mandatory and requires us to enforce it without interpolation and without resort to subtle and unsound methods of interpretation in order to save the voter and the candidate from defeat must be admitted by all. It follows that the votes questioned were illegal votes, and could not be cast, counted or canvassed, which results in the success of the relator and the defeat of the respondent.

We believe that the above-cited case is very strong authority for the position taken by the majority report herein with respect to the use of election booths, since it quite plainly holds that the failure of election officials to observe mandatory provisions of the election laws must result in the throwing out of votes cast in disregard of such laws, notwithstanding that there may be no actual proof that any voter voted other than for the candidate of his choice.

The rule of law laid down in the case of State ex rel. Read against Crist, supra, is quite general in all States where the question has arisen. In *Pickard* v. *Jones* ((Ky., 1951) 243 S. W. 2d 46, 49) the Kentucky court held that:

The failure of election officials to obey mandatory provisions of a statue relating to the conduct of the election and designed to secure both the secrecy and integrity of the ballot may so taint the election as to require rejection of at least the part affected.

In *Wilkinson* v. *Magill* ((Md., 1949) 64 A. 2d 266), the holding of the court, as shown by the syllabus, was that—

The principle that irregularities which do not prevent a full and free expression of opinion of the will of electors and change the result of the election will not invalidate a completed election. The court stated that rule does not apply when there is a preemptory requirement designed to safeguard the integrity of elections, the neglect of which presents an opportunity for fraud.

Remember, Mr. Hannett said it was his judgment that failure to furnish election booths was fraud, and Mr. Hannett had practiced law in New Mexico for more than 50 years.

In *State* v. *Richards* ((Delaware, 1949) 64 A. 2d 400), the Delaware court said:

Even in the absence of fraud there may be cases where the possible injury to the public from the failure of election officials to comply with statutory provisions is so great that the entire vote of an election district will be rejected without any actual proof of improper results from such failure.

The minority takes issue with the majority report regarding the case of State against Tipton, a Kansas case, reported in 199 Pacific (2d) 463. There the Kansas court stated:

Elections must be invalidated where there has been a violation or nonobservance of statutory provisions which are mandatory, either expressly or by clear implication, or which directly affect the merits of the election.

The minority views correctly pointed out that the Kansas court stated that this rule would be applied only where required by the statute. Obviously the New Mexico statutes to which I have referred are mandatory, and use language which requires the application of the rule.

In *Bilek* v. *City of Chicago* ((Illinois, 1947) 71 NE. 2d 789), another case cited in our report and objected to by the minority, the holding of the court appears from the syllabus as follows:

An irregularity in the conduct of an election is not sufficient to vitiate it, but a failure to perform a mandatory duty will do so.

As pointed out in the minority views, this case involved a special bond election where the statutory notice of election had not been complied with. The court held that the provision for notice was mandatory and not directory, and therefore held the election invalid based upon the rule relating to noncompliance with mandatory provisions. The provision for notice was not as commandingly and repeatedly stated as the New Mexico provisions relating to secrecy and voting booths; therefore, I submit that the application of the rule announced in the Bilek case relating to voiding an election for noncompliance with a mandatory requirement of a law is even more imperatively demanded in the present case. To rule otherwise would completely destroy the basic American concept of free elections.

The specific question of whether or not failure to vote in an election booth renders a vote illegal has been passed upon in a considerable number of cases, in the majority of which such votes have been held to be illegal and not to be counted. In a few cases which hold to the contrary, the courts so holding have based their decisions upon the fact that the State law in their jurisdictions requiring the use of election booths were directory and not mandatory. As we have pointed out above, the provisions of the New Mexico law with respect to election booths are clearly mandatory.

In *Moore* v. *Seymour* ((Georgia, 1936) 186 S. E. 744), the Georgia Supreme Court held as follows:

This law must be treated as mandatory and it cannot be construed as merely directory. It was intended that in counties holding elections under the Australian ballot system there should be privacy in the preparation of the ticket by a voter so that he might exercise his own volition in the choice of candidates and that he might feel, when he is preparing his ballot to express his volition or election as to different candidates, that he is free from all observation by prying eyes of those who might be interested in having him vote for other candidates. Whether this is necessary in order to preserve the purity and freedom of elections, the legislature has enacted the law in terms that are definite and unmistakable; and we might easily point out good reasons for having enacted a statute. But we do not have to do this. It is enough to say that the general assembly has enacted it and their will, properly expressed, is the law of the State. This petition in which injunction is sought, shows that there was an absence and complete disregard of the law. There might be a failure of the county authorities to observe in all particulars the requirement of the law; and a failure to observe some of them might be held to be an irregularity. But where there is a total disregard of the statute it cannot be treated as an irregularity, but it must be held and adjudicated to be cause for declaring the election void and illegal.

Now, referring to the New Mexico election, the charge is that in 273 precincts there was not a solitary voting booth. That is an irregularity, as held by all the decisions of the courts cited.

In *Harrison* v. *Stroud* ((Ky., 1908) 110 S. W. 828), there was involved a contest between opposing candidates for the office of marshal of Williamstown. It appeared that about 50 to 60 voters, out of a total of less than 200, were allowed to expose their ballots by voting or marking them openly upon the table, in plain view of election officers and others. In holding the election void, the court said:

And when officers permit such numbers of voters to violate the secrecy of the ballot as was done in this case as to materially affect the result of the election, it is not a lawful election and will be held void on that account (citing cases). Such an election is but a partial election. Instead of ascertaining the popular will it frustrates its legal expression. It would substitute the result of fraud or gross official ignorance and misconduct for the result of legal votes legally cast. That which is the citizen's shield and weapon of defense in popular government is set aside and he is undone in the disregard of the law. In the case at bar, all who were permitted to vote openly, as it is called, had not a bad purpose. They intended to vote. They had the legal right to vote. They were misled by the officers of the election so that their suffrage in this instance was destroyed. Had such voters been permitted to vote properly the result may have been quite different from that found by the judgment of the supreme court; or for that matter it may have been in accordance with it. But the point is, it takes votes to make an election; not some votes, but all that are entitled and offered to be cast, and which, if cast, comply with the requirements of the law. Judgments of courts and contest boards are not substitutes for electors' votes. Immaterial derelictions in influencing the result may, and ought to be, disregarded; but transgressions of the election law which practically disenfranchises enough voters offering to vote so that the result might have been different but for the illegal acts, would simply substitute an election by some for the election contemplated by the law, which is all.

That last statement is important. Let me read it again:

But transgressions of the election law which practically disenfranchises enough voters offering to vote so that the result might have been different but for the illegal acts, would simply substitute an election by some for the election contemplated by the law, which is all.

I continue to read from that decision:

The law deems it better that such elections should not stand. When it becomes known that they will not, the main incentive to those who indulge such practices is removed. When they can no longer profit by them, they will quit them from motives of interest.

In *Muncy* v. *Duff* ((Ky. 1922) 239 S.W. 49), there was involved a contest for the office of jailer in Leslie County. The holding of the court appears in the syllabus as follows:

9. The constitutional provision requiring a secret official ballot is mandatory and nothing short of a substantial compliance therewith is a valid election.

In *Smith* v. *Jones* ((Ky., 1927) 299 S.W. 170), there was involved a contest between opposing candidates for the Republican nomination for Circuit Court of Whitley County at a primary election. Jones filed a countercontest. In connection with that, the court said:

There were no curtains of any kind; the voters would stamp their ballots on these boxes and were necessarily standing practically shoulder to shoulder, so that each could see what the other did, and anybody in the room could also see, as there was no screen or obstruction of any sort. To sustain such an election would be to give no force to the constitutional provision that all elections shall be by secret official ballot. Section 147. When a man votes openly on the table it may easily be so arranged that the purchaser of a vote may know how the voter voted, and the voter may only receive his pay after the purchaser knows that the voter voted right. A purchasable voter often votes on the table for this reason. The constitutional provision and the statute are intended to prevent this. The court is clearly of the opinion that only the form of a secret ballot election was held in this precinct and that the precinct should be thrown out.

In *Choisser* v. *York* ((Illinois, 1904) 71 N. E. 940), there was involved a contest for the office of county school superintendent. The court quotes the statute regarding election booths which is similar to the New Mexico statute, but is not expressly declared to be mandatory. It then says:

This provision of the statute is an important one and should not be disregarded. It has been held that a failure of election officials to erect booths in compliance with the law was an irregularity which did not vitiate the election. (*Moyer* v. *Van de Vanter* (12 Wash. 377, 41 P. 60, 29 LRA 670, 50 Am. St. Reps. 900).) We are of the opinion, however, this statute is so far mandatory that it must substantially be complied with. To permit a room adjoining the room in which the election is held to be used as a booth would open wide the door for fraud by permitting unauthorized persons to have access to the voter, and it would substantially destroy the seclusion of the citizen while preparing his ballot; at least, such might be the result.

In *Siedschlag* v. *May* ((Illinois, 1936), 2 N. E. 2d 836), there was a contest for the office of supervisor of the town of Burton. The Illinois court held as follows:

The trial court erred in ruling that Edith Skidmore's ballot should be counted for appellant; the proof shows that she voted outside the booth, and one of the witnesses saw that she voted for appellant. In *Choisser* v. *York* (71 N. E. 940) we held that such ballots were error."

In *Tuthill* v. *Rendlenan* ((Illinois, 1944), 387 Ill. 321, 56 N. E. 2d 375) there was involved an election contest over the office of county judge of Union County. The court said:

It is well settled that a ballot cast outside the voting booth is illegal, and where there is evidence as to how the ballot was voted it should be deducted from the total of the candidate voted for.

In re *Cramer's Election Case* (248 Pa. 208 (1915), 93 A. 937, Am. Cas. 1916E, 419), held, as stated by the court:

The position taken assumed that the provisions of the act above recited are directory merely and not mandatory, and that no disregard of these will vitiate the poll except as actual fraud is shown, and then only as the fraudulent votes cannot be separated from those legally cast. To this we cannot agree. The purpose of the act in requiring such safeguards as those prescribed is strictly protective. The act was not framed with a view to discover fraud when practiced, or to provide a method for the correction of the returns when fraudulent votes have been cast, but its sole purpose was to prevent frauds in the first instance, and the requirements were designed to this end.

That the legislatures undertook and intended the provisions of the act to be mandatory is evident, not only from the fact that the language used is imperative, but for the still stronger reason that by the 33d section, it is made a misdemeanor for any public officer upon whose duty it is imposed by the act to negligently or willfully fail to perform such duty, or negligently or willfully perform it in such a way as to hinder the objects of the statute, or negligently or willfully violate any of the provisions thereof.

The recent case of *Telles* v. *Carter* (262 P. 2d 985), has passed upon the question of whether a New Mexico statute, very similar to section 56–311, is mandatory. The statute involved in the Telles case is section 56–313, reading as follows:

On ballots designated for voting on any proposed constitutional amendment or other question, the elector shall mark a cross in the square for or against the proposed amendment or other question as the case may be. The cross used in marking ballots shall be two (2) lines intersecting at an angle within the circle or square and either or both lines may extend outside the square or circle.

It is readily to be seen that by the use of the word "shall" and the mandatory terms and language of this statute, it is similar to the voting-booth statutes—56–311—except that the voting-booth statute is even stronger. The voting-booth statute contains the same mandatory words, terms and language, and in addition plainly and clearly states,

The board of county commissioners however are charged with the duty of supplying to each precinct or voting division the booths herein described, and the provisions of this section as to the discharge of such duties shall be mandatory.

By the admission of all parties in the Telles case, there was no question of fraud. Further, it was particularly pointed out by the court that—

New Mexico has no statute specifically stating that such a ballot shall not be counted.

The Supreme Court of New Mexico, in holding the statute in the Telles case to be mandatory, noted the proposition that the "intention" of the voter should not be cast aside if his intention in marking his ballot could be ascertained. This, the court pointed out, is a well-defined theory based upon the proposition that the right to vote is so sacred that a vote should be counted if it might be clear what the voter intended. In that case, the voters marked the squares in their ballots with tick marks, rather than with crosses. That was the only question in that case. At the same time, the court accepted the theory that "based upon the necessity of insuring the spirit of the Australian ballot system, with emphasis upon the secrecy of the ballot, in order to preserve to the best of our ability the purity of the ballots," the ballot-marking statute should be held mandatory.

In commenting upon the two last-mentioned theories, the court said:

While this language favors appellant-contestee, a reading of the many cases which hold that a provision for marking the ballot with a cross is mandatory, discloses that all courts in their opinions use language emphasizing the great distaste which accompanies any decision resulting in the disenfranchisement of voters. As heretofore stated, such decisions do not minimize the importance of protecting the right to vote; they only determine that such right is sufficiently important to justify, on occasion, the rejection of an honest vote for the ultimate security of the ballot for all.

In further reference to the proposition that section 56–313 is mandatory, the court pointed out:

We find in favor of the mandatory construction of the provision the use of the word "shall," normally a mandatory word.

Applying these same rules to the voting-booth statute previously discussed, the use of the terms is even more commanding than in the ballot-making statute. Moreover, when providing voting booths, there is the even greater necessity of insuring the spirit of the Australian ballot system, with its emphasis upon secrecy of the ballot, in order to preserve the purity of the ballot.

Without secrecy, the Australian ballot system does not exist; that is why the voting-booth and secrecy statutes are declared mandatory, and why they would be so held under this rule in the Telles case.

In view of the above cases and the explicit New Mexico statutes, there can be no reasonable doubt that all votes cast at the November 4, 1952, election in New Mexico, under circumstances where no voting booths were used and no secrecy was provided, are illegal and should not be counted.

While reviewing the cases upon secrecy in voting, it is of importance to note that 82 years ago—on February 2, 1872, in fact—the Congress of the United States passed a law requiring all Members of the House of Representatives be elected by secret ballot. It must be remembered that the constitutional amendment providing for the direct election of United States Senators was not passed until 1913 when, supposedly, the use of a secret ballot and laws requiring its use were in effect throughout the United States. Let me add parenthetically that it might be a pretty good thing to amend that statute so as to provide that Senators as

well as Representatives must be elected by a secret ballot.

It must be apparent, Mr. President, to everyone here today that I consider the question of voting booths and of secret ballots the paramount issue in this case. That issue is of transcendent importance. It has been suggested, however, that the report of this committee is based on mere irregularities. I ask you, Mr. President, do you think there is another State in the Union that was as negligent as New Mexico, where not one of the 5,000 election officials was called upon to take the proper oath on election day? This is typical of the way elections are conducted in New Mexico.

I ask you, Mr. President, who in this body can state that the untimely, unauthorized and illegal burning of the ballots—13,000 of them—of three counties is a mere irregularity? I ask you, Mr. President, whether the Senate of the United States would also consider the fact that 7,000 unused ballots were missing in violation of the law is a mere irregularity? I ask you, Mr. President, whether the fact that some ballots were changed after the voters cast them in precincts where over 17,000 votes were cast, is a mere irregularity? Lastly, Mr. President, let me ask you if the violation of assistance laws involving approximately 6,000 voters or the violation of the law prohibiting aliens from voting or the manifold violations of the registration laws can be termed mere irregularities?

Let no Senator forget that if he should vote to disregard those provisions of the law requiring secrecy of the ballot and if a majority of the Senate should join with him, then sometime or other he might find out that he might be confronted with 1 of these 3 situations:

First. It would be embarrassing if some day the electoral votes of New Mexico might change the result of a presidential election, provided that the situation with reference to voting that has existed for 50 years and still exists in New Mexico should prevail at that election.

Second. It would be embarrassing to point the finger of scorn at Red Russia and insist upon free elections and secret ballots for unfortunates behind the Iron Curtain, if we did not have them in the United States.

Third. It would be a trifle difficult to explain to a weary taxpayer that we think it our solemn duty to vote to spend billions to insure the right of good people overseas the right to a secret ballot, if we did not care whether or not we had it in the United States.

It has been gratifying to read the editorials in all three of the Washington newspapers favorable to the majority report and to find the leading newspapers throughout the country taking the same position on their editorial page. But, Mr. President, the most significant editorials are those from the great State of New Mexico.

If the minority report is correct and we are wrong, why does the press of New Mexico agree with our report?

Listen to these comments. All these editorials were published in the past week or 10 days.

From the Santa Fe New Mexican, of which Robert McKinney, former Assistant Secretary of Interior under Truman is editor:

> Undoubtedly there is substance for the highly critical report on the New Mexico election picture.

The editorial added.

> The forthcoming primary and general election can be manipulated left or right, whichever is most expedient for expedience-minded election officials.

The Roswell Daily Record, in referring to the majority report, stated:

> Since the people have known these practices have been going on all this long time it is reflection upon them that they have not done something to stop it.

The Silver City Press points to a "sad commentary on contemporary politics when a judge can illegally burn election ballots and not be indicted for palpable fraud."

The Gallup Independent stated that elections should be gotten back "on a legal and level basis."

The Albuquerque Tribune in an editorial on March 12, concluded with this strong language:

> This is not a vote for political partisans. It is a vote for Senators willing to stand up and be counted on the constitutional rights of free American electors.

Mr. President, the issue is clear. Are we going to insist upon honest free elections in the United States, or will we sit idly by and permit those intolerable election scandals to continue indefinitely in New Mexico.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. BARRETT. I yield.

Mr. BUSH. Mr. President, I wish to compliment the Senator upon his magnificent presentation of the committee report. I listened intently from the time he began. I think it is one of the finest statements I have heard since I became a Member of the United States Senate. I congratulate the Senator from Wyoming.

The Senator is concluding a very arduous and onerous task assigned him by the Senate. It is a very unpleasant task. It is no fun to examine an election return and an election fraud situation in which a Member of this body is involved. I admire the courage of the Senator and the fine behavior he has shown in every way in connection with this most difficult task.

Mr. BARRETT. I thank the Senator from Connecticut.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BARRETT. I yield.

Mr. HAYDEN. In the course of his remarks the Senator from Wyoming referred to a suggestion which I made in the Committee on Rules and Administration, that if this election were to be declared void, the report made by the junior Senator from Indiana [Mr. JENNER] and myself as tellers on behalf of the Senate, when the electoral votes were counted, announcing that the 4 electoral votes from New Mexico were cast for Dwight D. Eisenhower for President and RICHARD M. NIXON for Vice President would have to be corrected and those electoral votes thrown out. Of course, the Senator has stated that the 4 votes of New Mexico would have made no difference in the result of the presidential election. However, I should like to know whether, in the opinion of the Senate, that record should be corrected.

Mr. BARRETT. Mr. President, I wish to take this opportunity to thank the senior Senator from Arizona. By the amendment he offered in committee and to which reference has been made on the floor he wishes to tell the Senate and the people of the country that he agrees with the facts which were found to exist by the majority of the committee, that he agrees with the law we have cited, and that he agrees with the conclusions we have reached; but he desires to expand the findings of our committee and wishes to say, in effect, that we must not only throw out the Senatorial election in New Mexico, but that we must go a step further and also throw out the presidential electoral votes of New Mexico.

I thank the distinguished Senator from Arizona for his compliment to the committee, but I should like to say to him that a certain time is provided under the laws of our country during which such objections must be made. I believe that if the objection had been made in time, and if it had been properly made, the electoral votes of New Mexico could have been challenged and could have been thrown out. Such a procedure of course would have affected the whole election in New Mexico if the challengers had been able to show that the votes for presidential and vice presidential electors had been vitiated.

Mr. HAYDEN. In other words, if anyone had complained about the action of any county officials in any of the counties, and had filed a contest against an elected official and raised the same issue that is raised in this case, then the election could have been challenged and the elected official thrown out of office, but if no contest had been filed by anyone the elected official would continue to hold his office. Is that the point?

Mr. BARRETT. The time is set by laws of New Mexico. It would depend on what the time limit is, as set by the laws of New Mexico.

Mr. HAYDEN. In other words, it is a matter of time; it is not a matter of principle.

Mr. BARRETT. If complaint were made within the time limit and the contestant were to go into court I believe that in a county where no voting booths were provided the court would be obliged to throw out that election.

However, I wish to say to the Senator from Arizona that all the attorneys in this case, both for General Hurley and for Senator CHAVEZ—and this applies also to all the prominent attorneys in New Mexico—have taken the same position time after time, and have so stated that when no election booths are furnished, it is prima facie evidence of failure to comply with the constitutional and statutory provisions for a secret ballot. There is no reason why that situation today should be different from the situation at any other time.

Mr. HAYDEN. Where does that leave the voter, if the county officials fail to provide a voting booth? If the voter comes to the polling place, and no booth is provided, what happens to him? Does the Senator say that there would be no election in such a situation?

Mr. BARRETT. If such a situation were to prevail, as it does in this case, that 80,000 voters out of 240,000, representing approximately a third of all the votes cast, were denied voting booths, we would be obliged to throw those votes out. Certainly, as the Supreme Court of New Mexico has stated, it is better that a voter or a group of voters, or 80,000 voters, be disfranchished, and that certain candidates lose their right to hold office, rather than that one of the most important rights of the people, namely, the constitutional right to a secret ballot and to a free election, be destroyed. That is what the Supreme Court of New Mexico has held.

Mr. HAYDEN. What I am trying to get at is this: As a practical matter, it is not the fault of the voter that the county commissioners of any county do not provide a voting booth. However, if no provision is made for a voting booth, should not a voter be allowed to do the next best thing, namely, mark his ballot on top of a school desk.

Mr. BARRETT. Just a moment. I know I could talk for a month about this case if I desired to do so. We had evidence, not in one election district, but in many election districts, of instances where ballots were passed out from the window of a residence, and the voters walked across the lawn in the presence of the general public and cast their votes. In every State of the Union it is held that such procedure is in violation of the law. That is what New Mexico law provides, too. I shall be glad to answer the Senator's questions. I know what he is driving at.

Mr. HAYDEN. I believe the duty to provide booths is mandatory upon the official; but is it mandatory upon the voter?

Mr. BARRETT. It is mandatory upon both. That is what the State of New Mexico provides through its legislature, and that is what the people of New Mexico provide through their constitution. So far as the voter is concerned, the supreme court held in a case where a voter had marked his ballot with a little tick mark, that the vote was invalid.

Mr. HAYDEN. Everyone understands that such a ballot should be thrown out. What I am concerned about is a practical matter. If certain candidates were elected in certain precincts in New Mexico in which no voting booths had been provided, and if the returns from those precincts were examined and the votes of all the precincts were thrown out for that reason, and the committee found such a situation to exist and that it would affect the result of the election one way or another, I could understand the committee saying that Senator CHAVEZ was not elected in those precincts or that he was elected. But in saying that the vote of the whole State should be thrown out, and that no valid election had been held in the entire State, it seems to me the committee goes too far.

Mr. BARRETT. I will say to the distinguished Senator that the committee considered all the evidence. We took affidavits and statements from 7,000 or 10,000 people in New Mexico, with sometimes 3 or 4 people joining in 1 statement. The evidence shows a failure to comply with the mandatory sections of the statute and of the Constitution, and 55,000 of those votes had to be thrown out.

Mr. HAYDEN. Of the 55,000——

Mr. BARRETT. Just a moment. Further, we heard the evidence that Judge Scoggin took it upon himself to burn the ballots, after notices had been mailed to the country clerks of every one of the counties, which involved 13,000 votes. If that is not constructive fraud, I do not know what it is. In addition, the senior Senator from New Mexico [Mr. CHAVEZ] objected on the same basis in election districts that General Hurley carried. The Senator from New Mexico contended that not sufficient voting booths had been provided.

Mr. HAYDEN. The Senator states that there were 55,000 illegal votes cast in New Mexico. How many of them were voted for Senator CHAVEZ and how many of them were for General Hurley? If the committee did not find that out, then how could it decide who won the election or that Senator CHAVEZ was not elected?

Mr. BARRETT. Let me answer by saying that it is conceivable, if the committee had wanted to pursue the matter in that fashion, it could have considered the 80,000 votes, and could have manipulated the situation in such a way that General Hurley could have been declared to have been elected, by considering the remainder of the votes; or we could have declared Senator CHAVEZ to have been elected, by considering them. That is to say, after we had thrown out the eighty-thousand-odd votes, we could have considered the remaining two-thirds of the votes and held that the other two-thirds of the total votes cast showed that either Senator CHAVEZ was reelected, or that General Hurley was elected.

However, I believe the committee took the fair position, the sound position, and the reasonable position, by saying it did not wish to disfranchise those 80,000 people, and that the committee desired to preserve for them the right to vote in secret in accordance with the constitutional provisions in New Mexico.

Mr. HAYDEN. Would the action of the committee change the New Mexico law?

Mr. BARRETT. Wait a minute. Therefore, we said we would disregard that vote entirely and say that no one was elected, because the entire election was so tainted with fraud, the door of opportunity was open to fraud on such a wide scale, that there was no real election in New Mexico.

Mr. HAYDEN. But the committee did not prove what candidate committed the fraud and it did not demonstrate who lost the election.

Mr. BARRETT. I wish to invite the attention of the Senator to the fact that Mr. Hannett, who is a former Governor of New Mexico, who practiced law in that State for 50 years, who wrote the election code of New Mexico, who was attorney for DENNIS CHAVEZ in 1935 when he contested the election of Senator Bronson Cutting, and who was attorney for Senator DENNIS CHAVEZ in the present election contest, made the unequivocal statement before the committee, this very same committee, that it is fraud not to provide for the secrecy of the ballot in New Mexico.

Mr. HAYDEN. It could be fraud on the part of the county officials, but there is no proof of fraud on the part of the voters to an extent that would deprive them of their votes.

Mr. BARRETT. Let me say to the Senator from Arizona that Mr. Hannett said to the committee that it was fraud and that the ballots in 65 precincts should be thrown out completely. Why? Because there were no voting booths.

Mr. HENNINGS. Mr. President, will the Senator from Wyoming yield?

Mr. BARRETT. I yield for a question.

Mr. HENNINGS. Preliminary to my question, I may say to the distinguished Senator that it is not my purpose to engage in any protracted argument with him at this time. I shall later undertake to make a statement on behalf of the minority, but I should like to ask the Senator, among many questions which occur to me and which I think may be germane to the issue and would help to illuminate the subject of our disagreement and controversy, whether there is anywhere in the laws of New Mexico, in the statutes known as the election code, or anywhere else, any provision which in substance and effect provides that a ballot marked by a qualified voter, but not so marked in an election booth, shall be declared invalid and shall not be counted.

Mr. BARRETT. There certainly is.

Mr. HENNINGS. What is the section of the law?

Mr. BARRETT. Does the Senator want me to refer him to the section?

Mr. HENNINGS. If the Senator is referring to the duty imposed upon election officials, I understand that, but I am referring to any statute which provides that a ballot so cast shall be declared invalid and shall not be counted. I am addressing my question to the learned Senator with reference to that one provision. Is there a section or a provision anywhere in the laws of New Mexico relating to elections, which provides that a ballot cast by a voter in any place other than a booth—or, to put it in another way, and to state it affirmatively—that in order to have his ballot counted, a voter must cast his vote in a booth. I ask the Senator whether there is any such provision as that to be found anywhere in the laws of New Mexico.

Again, I should like to say that I am not referring to the provision which requires that the officials of an election shall provide booths for voters, that being a duty upon the officials and not upon the voters.

Mr. BARRETT. Mr. President, I assume that my friend——

Mr. HENNINGS. I do not want to argue the point. I am asking a direct

question. If there is such a provision, I should like to be enlightened as to it.

Mr. BARRETT. There are innumerable statutes, as I pointed out in my remarks, requiring a voter to mark and cast his ballot in an election booth, but the particular statute for which the distinguished Senator from Missouri asks is 56–336.

Mr. HENNINGS. Will the Senator be kind enough to read it?

Mr. BARRETT. I read:

Except as in this act—

And it refers to the whole act, not merely to this one section—

Except as in this act elsewhere provided, no person shall be permitted by the judges of election during the conduct of any election to remove from the room in which the election is being conducted, any official ballot. No ballot so removed and marked, except in the proper booths under the supervision of the election officials, as provided in this act, shall be deposited in any ballot box or counted or canvassed by any election officials or canvassing board.

Mr. President, if the legislature intended that that statute should refer only to ballots removed from the room in which voters were voting, it would have said this and no more:

No ballot so removed, as provided in this act, shall be deposited in any ballot box or counted or canvassed by any election officials or canvassing board.

But the legislature went further. It referred to the entire act, and said:

No ballot so removed and marked, except in the proper booths under the supervision of the election officials, as provided in this act, shall be deposited in any ballot box or counted or canvassed by any election officials or canvassing board.

That is the language.

Mr. HENNINGS. Mr. President, I should like again, in all respect and in all gravity, to renew my question. The section to which the Senator from Wyoming has referred, which is section 56–336, I believe——

Mr. BARRETT. That is correct.

Mr. HENNINGS. That section is cited at page 22 of the minority views. In the report of the majority certain words were italicized. In the majority report the words read:

No ballot so removed and marked, except in the proper booths under the supervision of the election officials, as provided in this act (chapter) shall be deposited in any ballot box,

And so forth. I am sure that whoever wrote the report did not intend to misquote the statute in placing it in the majority report. But the fact is that the statute as quoted in the majority report omits a very significant part of it. That part reads as follows:

Except as in this act elsewhere provided, no person shall be permitted by the judges of election during the conduct of any election to remove from the room in which the election is being conducted, any official ballot.

That section is captioned "Ballots removed from election rooms." Then comes the part omitted in the majority report. I feel certain it was a mistake, but it still seems to require some clarification, because the statute says, "During the conduct of any election to remove from the room in which the election is being conducted, any official ballot."

Then the majority brief undertakes to say, "No ballot marked, except in the proper booths under the supervision of the election officials."

Whoever prepared the brief for the benefit of the majority forgot to say that following the word "ballot" the words "so removed and" appear, relating back, of course, to the removal from the election room.

Why does not that phrase appear in the majority report, may I ask my learned friend?

Mr. BARRETT. I may say to the distinguished Senator from Missouri that, as I pointed out previously, if the legislature had intended to refer only to ballots removed from the election room, they would not have needed to have said anything about ballots marked in booths. So the election provision simply means that the Legislature of New Mexico had in mind, in this section, to make it mandatory that ballots shall be cast in an election booth. They had in mind to make the section strict and mandatory, and to throw out the ballots in the event there was wholesale disregard of that provision of the law. I say that because this part of the statute must be taken into consideration with other sections in the same act. The language is, "As provided in this act," not "As provided in this section."

The legislature was making the requirement much broader. What are the other provisions of the act? Section 56–312 states——

Mr. HENNINGS. Mr. President, I desire to question the distinguished Senator from Wyoming no further.

Mr. BARRETT. Section 36–312 states, in part, as follows:

Instructions to voters: 1. After receiving your ballot go directly into a booth. Do not mark your ballot so that anyone can observe how you have marked it.

And to election officials:

No. 10. Do not permit any voter to vote except in the booth.

No. 11. The elector shall immediately go into the voting booth and mark his ballot.

Here is the payoff, Mr. President:

No. 29. Failure to follow the foregoing instructions may result in the rejection of the entire vote of your voting division. These instructions must be followed carefully.

The section of the statute, again, refers back to these various provisions.

Mr. WELKER. Mr. President, will the Senator yield?

Mr. BARRETT. I yield.

Mr. WELKER. Can the able Senator from Wyoming tell me whether or not that statute was enacted prior or subsequent to the decision of the Supreme Court of New Mexico in *Valdez* v. *Herrera* (48 New Mexico 45, 145 Pacific 2d, 864 (1944))? Does the Senator have that information in mind? That case revolved on whether or not a voter loses his vote by reason either of fraud or mistake of election officials.

Mr. BARRETT. What was the date of the case?

Mr. WELKER. I cannot tell the Senator. It must have been of rather recent date, because it is reported in 145th Pacific Reporter 2d.

Mr. BARRETT. I feel certain it is an old case; however, I shall have it looked up.

The statute with reference to the removal of ballots from election rooms was enacted in 1935. I do not know, however, if that might have been a revision of the existing statute. I have not made an exhaustive search in that regard.

Mr. WELKER. Mr. President, will the Senator further yield?

Mr. BARRETT. I yield.

Mr. WELKER. In the minority views, at page 16, I observe that the case of Valdez against Herrera is cited to the effect that:

The voter shall not be deprived of his rights as an elector either by fraud or the mistake of the election officers if it is possible to prevent it.

Mr. BARRETT. That is true.

Mr. WELKER. I should like to have the observation of the distinguished Senator from Wyoming with respect to the words: "If it is possible to prevent it."

Mr. BARRETT. The case about which the Senator from Idaho is inquiring is Valdez against Herrera. In that case a contest was made because the returns from a certain precinct were not received in the office of the county clerk within 24 hours after the polls closed. The statute of New Mexico requires that the returns shall be counted, canvassed, forwarded, brought in, and delivered to the county clerk within 24 hours after the closing of the polls. In that case it so happened that the judges of election sent in the returns by express from a town quite a distance from the county seat, and the ballots arrived at the county seat 48 or 72 hours after the closing of the polls. A contest was instituted.

The facts shown at the trial were that the county officials had mistakenly sent out notices not consistent with the provisions of the statute, and had not notified the judges of election that it was necessary for them to deliver the ballots within 24 hours. So it was held that that was not a showing of a failure substantially to comply with the statute.

The voting booth statute provides that where there is a showing of a failure substantially to comply with the laws regarding secrecy, purity, and sanctity of the ballot, the burden then shifts, in a court case, to the party represented by the majority on the election board to show that there was substantial compliance with the law.

But in the case now before the Senate, we are not concerned with procedures; we are concerned with the essence of the case. The important, primary thing for the Senate to determine is: Did the election officials do the things commanded by the State of New Mexico, commanded by the Legislature of New Mexico, to protect the secrecy of the ballot? If the facts show that in 262 precincts there was not a solitary election booth, then the conclusion is irresistible that the laws pertaining to secrecy of the ballot were not fulfilled for the protection of the voters of New Mexico.

Mr. WELKER and Mr. GEORGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield; and if so, to whom?

Mr. BARRETT. I yield further to the distinguished Senator from Idaho.

Mr. WELKER. I wish to ask the distinguished Senator from Wyoming whether or not the law as pronounced in the case of Valdez against Herrera is still the substantive law of the State of New Mexico, to the effect that:

> The voter shall not be deprived of his rights as an elector either by fraud or the mistake of the election officers if it is possible to prevent it.

I think the clause "if it is possible to prevent it" needs some clarification.

Mr. BARRETT. I think that is the essential part of the decision. Coming down to fundamental, basic principles, to something which goes to the heart of the matter, it means simply, Are there to be secret ballots, or not? Is a citizen going to be protected in casting a secret ballot? That is a fundamental right. If there was no showing at all that the election officials observed the laws, of course, that would be such a palpable fraud on the voters that the Senate would have to throw the election out.

I do not know whether the Senator was on the floor when I discussed at length the case of Read against Crist, but in that case the mistake was not made by the election officials; it was made by both the voters and the election officials. They counted about 3,000 ballots, which were printed by the Republican Party at that time, and were used by voters in the election. The court said: "This statute is not mandatory in its terms; it is directory; but we can't permit that." So they threw out the whole election in that particular case.

In the Telles case there was not any showing of fraud at all, and there was not any question about mandatory provisions; but the voters marked their votes with ticks instead of with crosses; and the court threw them out. By analogy, it can be argued that the court would do the same thing in cases where no voting booths were provided.

Mr. WELKER. I thank the Senator.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. BARRETT. I yield to the Senator from Georgia.

Mr. GEORGE. I wished to make an inquiry of the Senator from Wyoming, because the Senator has studied the case now being argued, and I have not had time even to examine the report. The election laws of New Mexico provide for challenging the vote of an individual voter, do they not?

Mr. BARRETT. There are provisions in the code providing for challenges, but I might say to the Senator——

Mr. GEORGE. I merely wished to get the fact. The Senator has stated there is a provision by which a specific vote can be challenged. Is there also a provision by which a box or a precinct vote can be challenged?

Mr. BARRETT. As I understand, the law of New Mexico is that each of the dominant political parties is permitted to appoint a challenger, who may be present in the voting room for the purpose of challenging individual voters. I might say to the distinguished Senator from Georgia that the election code of New Mexico, in all respects, certainly with respect to secrecy, is better than that of any other State in the Union; but the code has not been used. That is the whole trouble in New Mexico.

Mr. GEORGE. After all, Senators are judges of the election and the returns and the qualifications of their colleagues; and even though there might be a mandatory statute existing in the State, and an infraction of it in some instances offended the good judgment, common sense, and sense of fairness of the majority of the Senate, I apprehend that the Senate would not declare a whole election void on that account.

My next question is whether any challenges were made of individual voters, which challenges were in turn canvassed by the committee.

Mr. BARRETT. As I pointed out a moment ago, the information available to the subcommittee indicates that there was a complete breakdown of the provisions of the election code of New Mexico; but challengers were generally not present in the various election districts throughout the State to challenge votes.

Mr. GEORGE. The challengers were entitled to be there, under the laws of New Mexico, were they not?

Mr. BARRETT. I rather think so. I have not examined the statute carefully.

Mr. GEORGE. I am asking the Senator for a fact. Were any challenged voters examined by the subcommittee which investigated the election? Did the subcommittee examine any list of challenges in any precinct in the State?

Mr. BARRETT. The staff was unable to find any such list in the State of New Mexico.

Mr. GEORGE. May I then presume that the challengers did not observe any irregularities which they thought denied any voter of his right of franchise?

Mr. BARRETT. I think the Senator would be wiser to say, first, that the challengers did not participate in the election and were not present in the voting booths; and, second, that everybody who wanted to vote in New Mexico had an opportunity to vote; everybody voted, whether he was qualified or not.

Mr. GEORGE. Everyone voted? Then why is the Senator complaining? May I ask the Senator what, according to the consolidation of returns, the total vote was?

Mr. BARRETT. The total number of votes was approximately 247,000.

Mr. GEORGE. How many of those votes were cast for the incumbent, Senator CHAVEZ, and how many were cast for General Hurley?

Mr. BARRETT. The approximate figures are 122,000 for Senator CHAVEZ and 117,000 for General Hurley. If the Senator desires the exact figures, I shall obtain them.

Mr. GEORGE. No; I merely desired an approximation.

Mr. BARRETT. There was a majority vote in favor of Senator CHAVEZ of 5,300.

Mr. GEORGE. Do I correctly understand that everybody in New Mexico who desired to vote did vote, and that the laws of New Mexico do provide for challenging any illegal vote?

Mr. BARRETT. The only evidence which came before the subcommittee of any large group of people who did not vote in the election was that pertaining to a group of about 3,000 Indians, who are traditionally Republicans, and who live on a reservation. There was some evidence before the subcommittee that some of the opposition notified the Indians that there was work available for them in Colorado. The Indians were transported by truckloads to Colorado a few days before the election, and they were brought back after the election. They did not vote.

Mr. GEORGE. Are we to assume that they preferred to go to Colorado for jobs than to vote in New Mexico?

Mr. BARRETT. The sad part of it is that they did not get jobs when they arrived in Colorado. They discovered they were in Colorado on a ruse and were taken for a ride; but they were riding on election day.

Mr. GEORGE. I understood the Senator to say that those 3,000 were traditionally Republicans who could have voted for the Republican candidate. Does the Senator admit that they also had the privilege of voting for the Democratic candidate?

Mr. BARRETT. So far as I am concerned, they had a right to vote for whomever they pleased.

Mr. GEORGE. I do not question that. I am sure the Senator would not deny anybody the right to vote; but what I am trying to find out is what happened in New Mexico.

Mr. BARRETT. I may say to the Senator that the subcommittee desired to be fair. The members of the subcommittee had no concern about the matter at all. We did not try to make a showing that one of the parties in the contest was elected. The subcommittee felt that, since a cloud of suspicion had been cast on more than 80,000 voters in the New Mexico election, it would be eminently unfair to disfranchise 80,000 people, who constituted about one-third of the number voting in New Mexico in that election. Consequently the subcommittee said, "It is more equitable, it is more reasonable, it is fairer, to say that there was no election, and give those 80,000 people the right to elect a Senator of their choice next November."

Mr. GEORGE. I should like to ask an additional question. How many of those 80,000 ballots were examined and scrutinized by the subcommittee? I am not concerned with for what candidate they were cast, but I wish to know what the subcommittee did. Did it examine the 80,000 ballots?

Mr. BARRETT. The subcommittee examined about 140,000 ballots. As the Senator knows, a great many votes were cast by machine.

Mr. GEORGE. I am talking about what the subcommittee itself did.

Mr. BARRETT. The subcommittee examined 140,000 ballots.

Mr. GEORGE. I am not concerned with what the staff did, but with what the subcommittee itself did.

I am frank to say to the Senator from Wyoming that I would dislike to throw out of the Senate any Member, because of a disregard of a mandatory provision—mandatory in the sense that it was obligatory upon the officials of the State to do certain things—when the entire inquiry should be as to whether the people of the State had an opportunity to cast their ballots, and whether their ballots, as determined by the careful, personal scrutiny of the committee, showed that a majority of the voters had voted either one way or the other.

Therefore, I was asking about the right of challenging the result in an individual precinct or the right of challenging the votes of individual voters, and whether the ballots had been carefully inspected and evaluated.

I am reasonably familiar with the election laws of most of the States. I can tell the Senator from Wyoming that in 1932 a distinguished Member of this body and myself, as a subcommittee of the Senate Committee on Privileges and Elections, most carefully examined allegations of nearly every irregularity which can be charged in an election. That was in the case of the contest of Heflin against Bankhead. The distinguished member of the subcommittee who served with me and joined me in a long report was none other than the Honorable Sam G. Bratton, now a judge of the tenth circuit, I believe, who lives in New Mexico, and is himself a citizen of New Mexico. It is true that that particular contest arose, as I understand, before the passage of the present act in the State of New Mexico; but substantially the same acts were previously in effect, and nearly all States have some sort of provision for secrecy of the ballot. They provide for the Australian ballot system or for voting in booths, and so forth and so on.

However, I think the Senator from Wyoming will look in vain for more than 2 or 3 States which provide that the mere fact of irregularity will void an entire election.

Mr. BARRETT. I may say to the Senator from Georgia that I certainly do not agree at all with that statement. The committee wanted to be fair, and was confronted with the situation that throughout the Nation the courts have repeatedly held that where there are violations of the mandatory provisions of the statute, particularly those which go to the heart of elections—such as the secrecy of the ballot provision, and so forth—the election must be thrown out.

I wish to call the attention of the Senator from Georgia to a decision of the Supreme Court of Georgia, which has passed upon this question. No doubt the Senator from Georgia is familiar with the case of *Moore* v. *Seymour* ((Georgia, 1936), 186 S. E. 744, 182 Georgia 702). I have read it before. At this time I shall read only the conclusion of the Georgia court, which was discussing a question similar to that we are discussing today. Here is what the court said:

> But when there is a total disregard of the statute, it cannot be treated as an irregularity, but it must be held and adjudicated to be cause for declaring the election void and illegal.

A short time ago I listed innumerable cases throughout the Nation. The only reason why we do not have thousands upon thousands of cases involving the question of secrecy of the ballot and the question of voting booths is simply that the matter is so clear to the people of the United States that they do not go to court to contest it.

Mr. GEORGE. Let me inquire whether the Georgia case, to which the Senator from Wyoming has referred, involved solely the question of election booths.

Mr. BARRETT. It certainly did.

Mr. GEORGE. Was that the sole question involved?

Mr. BARRETT. I have read once before from the opinion in that case, and I shall do so again if the Senator from Georgia wishes me to. I should like to have him understand that voting booths were the sole question in the case. I know the Georgia court followed the general rule; and the Georgia statutes are not nearly so mandatory as are the New Mexico statutes, let me say. Consequently, the Supreme Court of New Mexico would be obliged to follow the same line of reasoning the Georgia court followed.

Let me read briefly from the decision in that case; it will do no harm to repeat it, for it is very important.

In *Moore* v. *Seymour* ((1936), 182 Georgia 702, 186 S. E. 744), the Georgia statute—Code 1933, section 34–1902—required—

> Whenever * * * any election of any kind * * * is to be held, it shall be the duty of the ordinary of each county * * * to provide at each polling place, a private room or rooms, a booth or booths, or an enclosure or enclosures, with such compartments therein as may be necessary to accommodate the person qualified to vote at such polling places, etc. * * *
>
> Each booth and campartment shall be so arranged that it will be impossible for one elector at a shelf * * * in one compartment or anyone else to see an elector * * * in another compartment in the act of marking his ballot.

In construing the meaning of this statute, the court said:

> This law must be construed as mandatory, and it cannot be considered as merely directory. It was intended that in the countries holding elections under the Australian ballot, there should be privacy in the preparation of the ticket by a voter, so that he might exercise his own volition in the choice of candidates, and that he might feel when he is preparing his ballot to express his volition or election as to the different candidates, that he is free from observation from the prying eyes of those who might be interested in having him vote for certain other candidates.
>
> Whether this is necessary in order to preserve the purity and freedom of elections, the legislature has enacted the law in terms that are definite and unmistakable. * * * There might be a failure of the county authorities to observe, in all particulars, the requirements of the law, and a failure to observe some of these might be held to be an irregularity. But when there is a total disregard of the statute, it cannot be treated as an irregularity, but it must be held and adjudicated to be cause for declaring the election void and illegal.

That is from the opinion of the Georgia Supreme Court, and that is the majority rule in the United States.

Mr. STENNIS. Mr. President, will the Senator from Wyoming yield to me?

The PRESIDING OFFICER (Mr. PURTELL in the chair). Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. BARRETT. I yield.

Mr. STENNIS. As I understand, the Senator from Wyoming takes the position that the majority of the subcommittee, instead of rejecting the alleged illegal ballots and declaring illegal the votes in certain districts or precincts, merely says the entire election, throughout the entire State, should be thrown out.

Upon what authority does the Senator from Wyoming attempt to have the Senate throw out the ballots in all the election districts of the State? Does he have as authority a New Mexico statute which permits of such a procedure? If not, does he have a Federal statute which permits of such a procedure?

Mr. BARRETT. I may say to the Senator from Mississippi that the committee found there was flagrant and widespread violation of the New Mexico laws involving secrecy of the ballot, affecting 55,000 voters. In one instance a district judge, who is presumed to know the law, wrote an order in which he said that 75 days had expired since the canvassing board finished its work, and therefore the ballots should be burned. However, in that case the judge had no authority to issue such an order, and 75 days had not expired at that time. Later the judge said it was an innocent mistake; but he deprived the committee of the privilege of looking at those ballots, numbering about 13,000.

The most significant thing is that in those three counties about half the voting districts were provided with voting machines. In that half Mr. Hurley went far ahead, and carried them by several thousand. But when it came to the ballots which were burned Senator CHAVEZ, very fortunately, received a tremendous majority in the same counties which are involved here.

Time after time we found that ballots were tampered with. We found that the laws of New Mexico require voters to register with the county clerk. In precincts more than 7 miles away from the county seat a representative is appointed from each of the parties, and on 1 day of the year they can take registrations. In New Mexico the Attorney General attempted to change that law. He said that notaries public could take registrations. The county clerks went a step further and gave out blanks promiscuously to everyone. They would go to motion-picture houses, and as the people were coming out of the theater they would have them sign applications, one after another. Such applications were taken by the thousand to notaries public, who never saw or heard of the people

who signed them. The notary would place his seal on them, and they would be registered.

We found that there was such widespread violation of the election laws of New Mexico that we were obliged to reject more than 80,000 ballots. Consequently, we came to the conclusion that this situation vitiated the entire election in New Mexico, and that the only fair, right, and proper thing to do was not to try to determine which candidate had a majority or two-thirds of all the votes, but to declare that there was no election, and call for a new election.

The Senator from Mississippi asks what authority we had to do that. This situation is not new so far as the Senate is concerned. From his neighboring State of Alabama Mr. Heflin came before this body a number of years ago and contested the election of Mr. Bankhead. He raised the identical question at that time. It is true that there were minority views.

Let me say to the distinguished Senator from Mississippi that men have been thrown out of the Senate because they spent what was held to be too much money to be elected. Men have been thrown out for other reasons. We are not seeking to throw the senior Senator from New Mexico out. We are saying to him, "Go back to your people, and let us have a real election. Let us find out what the people of New Mexico have to say."

Let me say further that I am sure the Committee on Rules and Administration will very shortly propose a revision of the resolution which has already been reported, providing that it is the sense of the Senate that, if this recommendation of the committee is accepted by the Senate, the Senate should not accept the appointment of any person from New Mexico to sit in the United States Senate between now and November, but should wait until after the sovereign people of New Mexico have had an opportunity to vote and to express their free will.

Mr. JENNER, Mr. STENNIS, Mr. HENNINGS, and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield; and, if so, to whom?

Mr. JENNER. Mr. President, I wish to make an explanation.

Mr. BARRETT. I yield first to the Senator from Indiana.

Mr. JENNER. Mr. President, let me state for the benefit of the Senator who has been speaking that the Senator from Oregon [Mr. CORDON] has prepared an amendment to the original resolution reported from the Committee on Rules and Administration. I have talked with the majority members of our committee, as well as with members of the minority. We are trying to arrange a committee meeting so that the amendment can be reported to the Senate. It is a correction of the original resolution. We understand that the amendment is perfectly agreeable to all concerned. The Senator from Oregon will offer an amendment to the resolution as reported from the full Committee on Rules and Administration. We are willing to accept the Cordon amendment, which would bring about the result which the Senator from Wyoming has just mentioned.

Mr. BARRETT. I think that is eminently fair.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARRETT. I yield to the Senator from Oregon.

Mr. CORDON. Mr. President, I desire to send to the desk an amendment to the resolution. Before sending the amendment to the desk, I desire to read it and to explain the reason why I am offering it.

After reading the majority report and a portion of the minority views—all I could read within the time I had—I felt that if the majority report were to be accepted and acted upon by the Senate, it would be equivalent to a finding by the Senate that there was no legal election in the State of New Mexico in November of 1952. That being the case, it would necessarily follow, so far as the Senate is concerned, that there was no election of a Governor in the State of New Mexico. Recognizing the fact that the Senate can act only with respect to its membership and the qualifications of its membership, and that its findings can go no further than that, it seemed to me that, upon the basis of a finding by the Senate that there was no election so far as the election of a Senator was concerned, insofar as it could do so this body ought to undertake to say that no successor should come into the vacated seat by reason of an appointment made by a governor who owed his office to the election held in November 1952. Because it seemed to me that that would be an illogical position—that is to say, on the one hand to deny the seat to the present holder, the senior Senior from New Mexico, and on the other hand to open it to an appointee of a governor elected at the same time—and because it seemed to me that that sounded like neither logic nor equity, I prepared and am sending to the desk an amendment, the purpose of which is to state, "that it is the sense of the Senate that said vacancy should be filled only by election held pursuant to the laws of the State of New Mexico."

That particular language was used because, under the terms of the Constitution, the filling of a vacancy in the United States Senate between elections rests in the executive authority of a State. The Senate cannot prevent that authority from being exercised in the case of a vacancy. Therefore, the Senate could not, in advance, say that if there were a vacancy in the office of Senator from New Mexico the executive authority in New Mexico could not fill it by appointment. However, the Senate can take the position that it is its view that such vacancy should be filled only by election. That is the purpose of the amendment which I send to the desk, and which I shall offer at the appropriate time, unless the committee is prepared to accept it at this time.

The PRESIDING OFFICER. The Chair wishes to inquire of the Senator from Oregon whether he desires to have the amendment received and printed, and to lie on the table, or whether he wishes to offer it at this time.

Mr. CORDON. I do not desire to offer the amendment and to have it considered at this time, unless members of the committee are prepared to accept it.

Mr. JENNER. Mr. President, the committee is willing to accept the amendment.

The PRESIDING OFFICER. Does the Senator from Wyoming yield for that purpose?

Mr. BARRETT. For that purpose, Mr. President, I yield.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 2, line 3, after the word "Senate", it is proposed to insert a semicolon and the following: "and that it is the sense of the Senate that said vacancy should be filled only by election held pursuant to the laws of the State of New Mexico."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. CORDON]. The Senator from Wyoming has the floor.

Mr. MONRONEY. I wish to make a point of order against the amendment.

The PRESIDING OFFICER. Does the Senator from Wyoming yield for that purpose?

Mr. BARRETT. I yield for that purpose, provided I do not lose the floor.

Mr. MONRONEY. Mr. President, I ask unanimous consent that the Senator from Wyoming may yield for that purpose without his losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONRONEY. Mr. President, I should like to reserve a point of order against the amendment being offered as an amendment by the committee and accepted by the committee, because of the statement made by the distinguished chairman of the Committee on Rules and Administration that the amendment has not been considered by the committee in the regular order. That fact is as highly irregular as any procedure could be that is charged by the majority party in the election held in New Mexico. If we are to support the laws of a State in connection with its elections, then certainly we must also preserve the rules of the Senate when it comes to reporting an amendment by any of its standing committees.

Mr. JENNER. Mr. President——

The PRESIDING OFFICER. The Chair will advise the Senator that even if the amendment is offered, after being accepted by the committee, it would still have to be voted on by the Senate.

Mr. MONRONEY. I thought the Senator from Indiana [Mr. JENNER] stated that the committee had approved it.

Mr. JENNER. I said I would be glad to accept the amendment. A question was raised whether I should call a meeting of the Committee on Rules and Administration for the purpose of considering the amendment. I consulted the distinguished senior Senator from Arizona [Mr. HAYDEN] and he said it could be just as easily accepted on the floor, without first having it considered by the committee.

Mr. MONRONEY. In other words, the amendment does not bear the imprint of approval of the Committee on Rules and Administration, and it has received no action by the Committee on Rules and Administration. Is that correct?

Mr. JENNER. It has had no action by the Committee on Rules and Administration, but we are willing to accept it as an amendment. I do not believe there is any objection to it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield; and if so, to whom?

Mr. BARRETT. I would prefer to first yield to the Senator from Mississippi [Mr. STENNIS].

Mr. HENNINGS. Mr. President, does not the chairman of the committee wish to tell the Senate what is going on? Should we not have his explanation of what is happening?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Missouri?

Mr. BARRETT. I must yield first to the distinguished member of the committee, the Senator from Missouri [Mr. HENNINGS], I will say to the Senator from Mississippi.

Mr. HENNINGS. Mr. President, I know the distinguished Senator from Oregon has just offered the amendment, and we now understand from the distinguished Senator from Indiana [Mr. JENNER] that some members of the Committee on Rules and Administration apparently believe the amendment is all right. Am I to understand, however, that the Committee on Rules and Administration approves this amendment? Is that the understanding of the Senator from Wyoming?

Mr. BARRETT. I talked to the distinguished chairman of the Committee on Rules and Administration earlier today, and he intended to call a meeting of the Committee on Rules and Administration. Whether he has had an opportunity to do so, I do not know. I may say that I am in favor of the amendment.

Mr. JENNER. I will explain the situation, Mr. President. I started to conduct a poll of all the committee members. That is when I spoke to the senior Senator from Arizona [Mr. HAYDEN], and he said——

Mr. HENNINGS. The distinguished Senator from Arizona did not tell the chairman of the committee that he was in favor of the amendment, did he?

Mr. JENNER. No. He said, "Since you have already reported the resolution, you could accept the amendment on the floor. Of course, we would still have to follow the same procedure as if you had called a meeting of the committee, and it would still have to be voted on."

Mr. HENNINGS. Mr. President, I am deeply shocked and utterly unable to comprehend the abandonment by the majority of the committee of its earlier position. Of course, I state in my minority views that it would be an outrageous inconsistency and an anomaly to ask a governor, who holds office as the result of the same election which is now being contested and discussed in the Senate, to appoint someone to succeed Senator CHAVEZ in the event the Senate should adopt the majority report and declare that a vacancy exists.

I now understand from the chairman of our committee that a suggestion emanates from the Subcommittee on Privileges and Elections, or from a majority of the full Committee on Rules and Administration, to the effect that the United States Senate shall direct the governor of the sovereign State of New Mexico as to whether he shall comply with the provisions of the laws of that State.

Are we placing ourselves on such a plateau of arrogance that we reach out and not only tell the people of New Mexico how to conduct their elections, send our investigators to their State for that purpose, decide who are citizens of the State and who are not, which provisions of the statutes of New Mexico shall be complied with, and which are mandatory and which are not mandatory, but now undertake to tell the Governor of New Mexico whether he can or cannot, under the Constitution of the United States and under the laws of New Mexico, appoint a successor to Senator CHAVEZ? Is that what I am to understand?

Mr. BARRETT. Let me say to the distinguished senior Senator from Missouri that the proposal made by the distinguished senior Senator from Oregon does not do anything of the kind. Furthermore, let me say to the Senator that he now seems to be objecting very strenuously when it is proposed that the Republican Governor of New Mexico shall not be permitted to appoint a Republican to come to the Senate as a Senator from the State of New Mexico in the interim between now and next November.

Mr. HENNINGS. I am not objecting. I am inquiring.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. BARRETT. The laws of New Mexico are to be observed by the officials of New Mexico. That is their duty. If the laws of New Mexico say to the Governor, "Governor, you are to appoint someone in the interim," I assume the Governor will follow the law. He is a good Republican. I would expect him to observe the law.

On the other hand, the Senate has responsibilites under the Constitution of the United States, and it is up to this body to say whether it will accept anyone as a Senator.

In the light of all that transpired in New Mexico on the 4th day of November 1952, I assume that this body, in its wisdom, could come to the conclusion that, although it would desire to have someone appointed as a Senator between now and the 4th of November of this year, it would rather wait and let the 80,000 disfranchised voters and all the other good citizens of New Mexico get together in a legal election, in which voting booths would be provided, so as to assure a secret ballot, and elect a Senator who could come to the Senate and sit in this body under the laws of New Mexico and under the laws of the United States, particularly the section that provides that Members of Congress shall be elected by secret ballot.

That is the situation. I believe that the Governor of New Mexico could make an appointment if he desired to do so. At the same time, this body could say, "Nothing doing. We will not accept your appointee. We will wait until the sovereign people of the State of New Mexico have had a chance to decide whom they wish to send here as their Senator. If it is to be Senator CHAVEZ, that is all right; if it is to be General Hurley, that is all right. We will accept anyone the majority of the people of New Mexico decide they want to send to the Senate as their representative."

Mr. President, I yield to the Senator from Mississippi. I did not mean to let him wait so long.

Mr. STENNIS. Mr. President, I do not want the Senator from Wyoming to continue on his feet. He has been standing for a good while. If he wishes to yield the floor, if I may reserve the right to ask him some factual questions later, I am sure he will be willing to take the floor later and answer them.

Mr. BARRETT. I think the Senator asked what statute could be applied when so many votes in the election were tainted with fraud, and whether we must throw out the whole election. The law is a fundamental law. It is one which the Congress of the United States approved when it said in 1872, "Representatives to the United States Congress must be elected by secret ballot." We could not get authority from any higher source than that, according to my way of thinking.

Mr. STENNIS. The Governor has no statutory authority in the premises?

Mr. BARRETT. So far as I know, there has been no precedent in the Senate for the particular issue which has now been raised. The Senator well knows—I do not need to tell him—that the Senate has plenary power in this respect and can do anything it has a mind to do. Certainly, the Senate, of all the bodies in the world, is the one which should say, "We are insisting upon free elections. We are insisting upon secret elections. We are insisting upon election booths in every State of the Union."

Mr. GEORGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GEORGE. Has action been taken on the amendment which was sent to the desk a few minutes ago?

The PRESIDING OFFICER. No; the amendment is now before the Senate.

Mr. GEORGE. Mr. President, I was most anxious to be heard on that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. CORDON].

Mr. JOHNSON of Texas. Mr. President, will the Senator from Wyoming yield?

Mr. BARRETT. I should rather yield the floor. I yield, now, to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, am I correct in stating that the only hearings held before the committee are those

which are printed and which are on our desks?

Mr. BARRETT. I do not know the purport of the Senator's question——

Mr. ELLENDER. It is a very simple question. I am asking if there were any hearings held by the subcommittee other than those which are printed and are now on the desks before us.

Mr. BARRETT. There were executive sessions of the subcommittee held since those hearings were printed; yes. Hearings were held for 3 days last December.

Mr. ELLENDER. Did the committee hear any other witnesses than those who are mentioned in the printed hearings?

Mr. BARRETT. No; we heard no other witnesses.

Mr. ELLENDER. When the Senator stated that there were 268 precincts in which there were no voting booths, where did he get his information?

Mr. BARRETT. We got it by sending our staff throughout the State to take statements and affidavits as to the facts.

Mr. ELLENDER. As a matter of fact, is it not true that practically the whole report of the committee is based on ex parte evidence which was gathered by investigators employed by the committee?

Mr. BARRETT. Mr. President——

Mr. ELLENDER. That is a simple question.

Mr. BARRETT. I have the floor.

The Senator from Louisiana had repeatedly objected to giving the committee any funds whatsoever from the day we started our investigation in New Mexico, but the Senator is now saying, in effect, "We gave you $170,000 to conduct the investigation. Why did you not go out and do a job which would cost approximately half a million dollars?"

He says that, in effect, despite the fact that he and some other Senators were insisting on cutting our funds when we were in the middle of the investigation.

Mr. ELLENDER. The committee spent $238,000. That is not a small sum of money.

Mr. BARRETT. Let me answer that. I know the Senator is very critical. The committee spent approximately $200,000, that is true. If we take out of that $200,000 the ordinary expenses of the committee in Washington, what we have actually spent on the investigation is $172,000. Let me tell the Senator that the way to compare what we have done with what has been done by other committees is this: There was a contest in Maryland. One can walk from here into Maryland in a matter of a few hours. I understand that one of our Supreme Court Justices is walking in Maryland now. On the other hand New Mexico is approximately 2,000 miles distant. In Maryland it is not very many miles from one side of the State to the other, but from one end of New Mexico to the other end, is about as far as from Washington to Chicago. There were many extraordinary expenses in connection with our committee, but the fact of the matter is that we have examined as many paper ballots in the contest in New Mexico as were examined by the committee which investigated the Maryland election. We have spent less than $200,000, and out of that amount we paid fees to the attorneys for Senator CHAVEZ and fees to the attorneys for General Hurley. On the other hand, the committee which conducted the investigation in Maryland spent $250,000, and then, in addition, spent I do not know how many thousands of dollars—I think, approximately $50,000—for attorneys' fees.

So, Mr. President, we have been pretty economical, notwithstanding the fact that we have been criticized by many Members of the Senate and many persons outside the Senate.

Mr. ELLENDER. I take it that the answer to my question is in the affirmative, that the only witnesses examined by the committee are those whose names are found in the printed hearings which are on our desks.

Mr. BARRETT. I would not say that. I would say that more than 8,000 persons in New Mexico signed affidavits and statements, some of which recited facts which we already knew and which the newspapers in New Mexico knew. The facts enabled us to come to the conclusion that in the 273 precincts in the State there were no voting booths.

Mr. ELLENDER. Can the Senator inform us when it was that the committee decided to abandon its first method of attack on the election investigation? As I remember, the RECORD shows that on April 27 there were stipulations by which it was understood that certain ballots in certain counties were to be counted and a decision reached after counting those ballots? When was that method of approach changed, and why?

Mr. BARRETT. If the Senator will take the trouble to look it up in the CONGRESSIONAL RECORD, he will find that in a debate approximately a year ago, probably in May or June of last year, the senior Senator from Missouri stated on the floor that it was his understanding that when the ballots in Bernalillo County were canvassed and counted the committee would call off the contest, unless it should be found at that time that there was sufficient fraud to justify extending the investigation to the other counties of the State.

If the Senator will examine the RECORD, he will find that at that time I told the distinguished senior Senator from Missouri, in response to a question, that that was not my understanding or the understanding of the majority of the committee, and that it was our intention to investigate the entire State of New Mexico. That is the fact of the matter. I wish to be as fair about it as I can be. The Senator from Missouri evidently had that idea, but we discussed it on the floor, and he was advised then of our intention to investigate the election in the entire State of New Mexico.

Mr. ELLENDER. Am I correct in my understanding that a canvass and a recount were made of the ballots in Bernalillo County?

Mr. BARRETT. The Senator is correct.

Mr. ELLENDER. What did the recount of the ballots in that county show with respect to the ballots cast for Senator CHAVEZ and General Hurley? Was there any great difference between the committee's count and that of the New Mexico commissioners?

Mr. BARRETT. I may say to the Senator from Louisiana that there was not a great difference in the counts when we finished, except this, which is very important: It was necessary, because of the showing made to the public representative, to throw out some 2,400 votes in that county. That was almost half enough votes to change the result of the election in itself.

Mr. ELLENDER. Am I in error when I say that according to my information, the committee's recount resulted in Senator CHAVEZ gaining more than 300 votes?

Mr. BARRETT. Would the Senator mind repeating his question?

Mr. ELLENDER. Would I be in error if I stated that the recount showed that Senator CHAVEZ gained more than 300 votes?

Mr. BARRETT. That would not be a correct statement.

Mr. ELLENDER. Does the Senator know what did the recount disclose?

Mr. BARRETT. Yes, I know.

Mr. ELLENDER. Will the Senator tell us, please?

Mr. BARRETT. In Bernalillo County General Hurley gained 166 votes, but the important point is that 2,400 votes were thrown out, because the public representative said they did not comply with the law. I am now talking about the recount.

Let me inform the Senator from Louisiana of something else. A hearing was held in New Mexico, and some 67 persons appeared before the subcommittee and viewed their ballots. They told the subcommittee that the ballots had been tampered with or had been changed after they had been cast. Furthermore, the subcommittee had evidence, which was conclusive——

Mr. THYE. Mr. President, will the Senator yield at this point, so I may ask him a question?

Mr. BARRETT. I yield.

Mr. THYE. The Senator from Wyoming said that a number of persons identified their ballots.

Mr. BARRETT. That is correct.

Mr. THYE. The question I should like to get clear in my own mind, because I have served as an election clerk for many a year, is: How could a voter identify his ballot?

Mr. BARRETT. I may say to the Senator from Minnesota that he has something to learn.

Mr. THYE. I certainly must have.

Mr. BARRETT. Yes, the Senator has. In New Mexico a number appears on the ballot. When a voter casts his ballot, the number of the ballot is placed in the ballot book together with the voter's name. Up in a corner of the ballot is a number. It is covered with tape, but when the tape is removed, the number can be seen, as, for example, "No. 1."

In the ballot book would appear the name and the ballot number, for instance "Ed Thye, No. 1." So it can be determined exactly how "Ed Thye" voted.

Mr. THYE. May I ask, further, for how many years that procedure has been followed?

Mr. BARRETT. I cannot answer the Senator accurately, but I think it has been the practice for a long time. I may show the Senator one of the ballots. In the corner is a number. It is covered, but it is there, nevertheless. All that is necessary is to remove the tape, and the number "509" can be seen.

Mr. THYE. Is the Senator from Wyoming informing the Senate that a number of voters who appeared before the committee and were shown their ballots contended that the ballots had been changed and were not in the manner in which the voters had marked them?

Mr. BARRETT. There is no question about that. Furthermore, it was self-evident that the ballots had been changed.

Mr. THYE. Does the Senator mean that on the face of the ballots there had been erasure marks or other marks placed in the squares, and that still the ballots had been accepted by the judges?

Mr. BARRETT. There is no question about it; the Senator is correct.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. BARRETT. I yield to the Senator from Louisiana.

Mr. ELLENDER. Is it not a fact that the stipulation as to procedure called for an arbitrator, and that a professor from a university in New Mexico was selected to pass upon the legality of the ballots? Am I correct in that understanding?

Mr. BARRETT. The Senator is correct. However, the parties could not agree upon an arbitrator, so the subcommittee had no other recourse than to appoint a professor of law at the University of New Mexico, who acted as the public representative.

Mr. ELLENDER. Were the 2,400 ballots, to which the Senator from Wyoming has referred, the ballots which were thrown out by the arbitrator?

Mr. BARRETT. The arbitrator himself threw out some 786. The parties, between themselves, eliminated 1,650.

Mr. ELLENDER. As I understand the arrangement, there was a stipulation to the effect that the subcommittee was to review the matter.

Mr. BARRETT. That is correct.

Mr. ELLENDER. Did the subcommittee ever review it?

Mr. BARRETT. The subcommittee came to the conclusion——

Mr. ELLENDER. I have asked a simple question.

Mr. BARRETT. I understand, but the question cannot be answered simply by "Yes" or "No."

Mr. ELLENDER. I am sorry to have bothered the Senator.

Mr. BARRETT. The subcommittee worked very conscientiously. An investigation was made which disclosed that the whole election was heavily tainted with fraud. There had been no election booths in 276 precincts. Election judges had burned ballots without any cause or reason. Some 6,000 persons had voted with illegal assistance. There was widespread failure on the part of election judges to comply with the registration laws.

The whole election had been so permeated with fraud and with violations of the mandatory provisions of the election code of New Mexico that the subcommittee had no other recourse than to throw out the whole works. Therefore, it was not necessary to make the decision about which the Senator from Louisiana has asked.

Mr. ELLENDER. Was not that action taken after the subcommittee had finished with the counting of the votes in Bernalillo County?

Mr. BARRETT. No; it was not.

Mr. ELLENDER. It was not?

Mr. BARRETT. No; it was done at the same time.

Mr. ELLENDER. Were the data referred to in the majority report made available to each and every member of the committee on an equal basis?

Mr. BARRETT. Will the Senator please repeat his question?

Mr. ELLENDER. Was the evidence which was gathered by the investigators in the ex parte proceeding ever made available to the other members of the committee or the subcommittee—for example, to the distinguished senior Senator from Missouri [Mr. HENNINGS]?

Mr. BARRETT. The evidence has been available to the distinguished senior Senator from Missouri [Mr. HENNINGS] at any time he might have desired to examine it. I do not know whether the Senator from Missouri has examined it, but it was available to him. That is all I know.

Mr. ELLENDER. I understand that the distinguished senior Senator from Missouri has not examined the evidence, and I was wondering about the extent to which any Member of the Senate, other than the distinguished Senator from Wyoming, who now has the floor, had access to the affidavits.

Mr. BARRETT. I do not know of any Senator who has asked to see them, but I know that any Senator who would have asked to see them would have had the opportunity to see them.

Mr. ELLENDER. Does the Senator mean now?

Mr. BARRETT. At any time.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. BARRETT. I yield.

Mr. DIRKSEN. Has any Member of the Senate actually asked to see them?

Mr. BARRETT. No Member of the Senate, including the distinguished senior Senator from Missouri [Mr. HENNINGS] has asked to see them.

Mr. President, I yield the floor.

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PURTELL in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 214. An act for the relief of Geraldine B. Mathews and Ruth H. Haller; and

S. 1548. An act to provide for the exchange between the United States and the Commonwealth of Puerto Rico of certain lands and interests in lands in Puerto Rico.

ADDITIONAL ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 22, 1954, he presented to the President of the United States the following additional enrolled bills:

S. 214. An act for the relief of Geraldine B. Mathews and Ruth H. Haller; and

S. 1548. An act to provide for the exchange between the United States and Commonwealth of Puerto Rico of certain lands and interests in lands in Puerto Rico.

LEGISLATIVE PROGRAM

Mr. HENNINGS obtained the floor.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. HENNINGS. I am very glad to yield to the distinguished majority leader.

Mr. KNOWLAND. Mr. President, I wish to state, for the information of Members of the Senate, that it is hoped that the debate on the New Mexico election contest may be continued for the remainder of the afternoon, and certainly up to the early evening. It is proposed that the Senate remain in session until at least 7 o'clock tonight, and then, following a recess, that it meet tomorrow at 12 o'clock, and continue debate on the New Mexico election contest. The hope has been expressed that the Senate may reach a vote by mid-afternoon tomorrow. Of course, Senators are debating an important subject, and no one in the Senate desires that the discussion be cut off. The Senate will continue in session for at least another 3 hours tonight, and then resume the debate tomorrow, and proceed until the Senate is ready to vote.

Mr. DIRKSEN. Mr. President, will the Senator yield for a question?

Mr. KNOWLAND. I yield.

Mr. DIRKSEN. The majority leader does not expect a vote this evening, does he?

Mr. KNOWLAND. I know of no vote which will be taken this evening, but strange things happen in the Senate, and I frankly have not felt that I could release Senators, because I think the pending matter is an important one. I should like to have Senators listen to the debate and the discussion, insofar as they are able to remain. I do not anticipate a vote today, and I shall not ask for one. However, there could be a vote on a procedural or other question which might arise in the course of the afternoon.

Mr. DIRKSEN. Will the Senator from California expressly agree that there will be no vote this afternoon?

Mr. KNOWLAND. I shall consult with the minority leader.

Mr. JOHNSON of Texas. So far as I know, there will be no vote today.

Mr. KNOWLAND. For the information of the Senate, I may state further that when the unfinished business, which is the resolution dealing with the New Mexico election contest, is disposed of, it will then be proposed by the majority leader that the Senate proceed to the consideration of the excise tax bill, in connection with which there is a deadline. I am merely expressing the hope that the discussion and debate on the excise tax bill may not consume more than 2 or 3 days. I am sure that Senators on both sides of the aisle recognize that, while there are many uncertainties dealing with the excise tax bill, a delay in acting on the bill would be bound to have an adverse effect on business, because people are waiting to see whether there will be excise taxes, what they will be, and so on. So I think it is in the general interest of everyone concerned to proceed to a vote on the excise tax bill as soon as possible. When that business is disposed of, it will then be proposed that the Senate return to consideration of the statehood bill.

I wished to make the announcement I have just made because a number of Senators had asked for the general sequence of the business of the Senate. That is as far as I can go at the present time.

NEW MEXICO SENATORIAL ELECTION

The Senate resumed the consideration of the resolution (S. Res. 220) declaring the judgment of the Senate to be that no person was elected as a Member of the Senate from New Mexico in 1952 and that a vacancy exists in the representation of that State in the Senate.

Mr. ELLENDER. Mr. President, will the Senator from Missouri yield to me?

The PRESIDING OFFICER (Mr. CARLSON in the chair). Does the Senator from Missouri yield to the Senator from Louisiana?

Mr. HENNINGS. I am glad to yield to the distinguished Senator from Louisiana.

Mr. ELLENDER. Before the Senator from Missouri begins his remarks, let me say that, as he knows, I have asked the distinguished Senator from Wyoming [Mr. BARRETT] whether any hearings, other than those printed and lying on the desks of Senators, were held.

Does the Senator from Missouri know whether any hearings were held other than those printed and now before us?

Mr. HENNINGS. If there were any others, I know of none.

Mr. ELLENDER. Did the Senator from Missouri have access to or did he see all the ex parte testimony referred to in the majority report?

Mr. HENNINGS. A number of affidavits are referred to in the report.

Mr. ELLENDER. When did they come to the attention of the Senator from Missouri?

Mr. HENNINGS. I think they were placed in the record in the committee. Of course, the interesting thing about them is that although some are persuasive, but not conclusive, and some would tend to show one thing, and some would tend to show another, yet they are not in any case of telling or probative force; and, even assuming that they were, of the total of approximately 56, after one analyzes all of them, there is a difference of one vote as between Senator CHAVEZ and General Hurley.

Mr. ELLENDER. Will the Senator from Missouri tell us whether any hearings were held or whether any affidavits were submitted in which fraud was shown on the part of Senator CHAVEZ?

Mr. HENNINGS. I reply by stating unequivocally that I do not believe that either the majority report or the advocate for the majority, the Senator from Wyoming [Mr. BARRETT], would maintain that at any time has there been one scintilla or shred of evidence indicating any impropriety or fraud on the part of the senior Senator from New Mexico [Mr. CHAVEZ].

Mr. ELLENDER. I thank the Senator from Missouri.

Mr. HENNINGS. I thank the Senator from Louisiana for his very germane and appropriate questions.

Mr. WILEY. Mr. President, will the Senator from Missouri yield to me for a question?

Mr. HENNINGS. I am very glad to yield to my good friend, the senior Senator from Wisconsin.

Mr. WILEY. I understand that under the constitutional provision that the Senate is the sole judge of the elections and qualifications of its Members, no issue as to qualifications has been raised in this case. Is my understanding correct?

Mr. HENNINGS. It is my understanding that one of the original petitions contained certain allegations relating to qualifications; but, so far as I know, the committee never considered it; or, if the committee did consider the matter of Senator CHAVEZ' personal qualifications, it was abandoned, and was not made a part of the investigation.

Mr. WILEY. I should like to ask another question, if the Senator from Missouri will yield further. I heard most of the argument submitted by the Senator from Wyoming [Mr. BARRETT]. From it, I understand there is no question as to the qualifications of Senator CHAVEZ. I understand that there is involved the question of whether, under the authority of the Senate to be the sole judge of the election, the election itself, under all the facts, should be held by the Senate to be void.

Mr. HENNINGS. I am afraid I did not quite follow the Senator's question. Do I correctly understand him to inquire whether it is the recommendation of the majority of the committee that the election be held void?

Mr. WILEY. Yes.

Mr. HENNINGS. That is the recommendation contained in the majority report, namely, that the election be declared a nullity—in other words, that no one was elected on the fourth of November, 1952, as United States Senator from New Mexico.

Mr. WILEY. Inasmuch as I am not a member of the Committee on Rules and Administration, and have not had an opportunity to examine the record, for I have been busy with other matters, in my own committee, I should like to ask another question. A number of citations were given by the Senator from Wyoming to the effect that in a number of States, when it appeared that the ballots themselves were not cast in secret, the State courts held that fact to be a basis for declaring the election void or that there was no real election.

Is there any precedent holding that the Congress of the United States must follow the decisions of the State courts or that the Congress has followed the decisions of such courts, or what the function of the Senate of the United States is in connection with such matters?

Mr. HENNINGS. I am very glad to answer the distinguished senior Senator from Wisconsin by saying—and of this I am as positive as I can be of anything in this world—that the Senate is the sole judge of the qualifications and elections and election returns of its Members. Whatever a State court decision may determine may be taken into account by the Senate in reaching its conclusion and decision from the facts and circumstances, or from that fact alone. However, the Senate is not compelled to accept the decision of any State court, nor is the Senate bound to follow the law of any State or any other restriction.

The Senate sits as a court, to determine, within its own composite membership, whether one whose election is contested, as in the present instance, was in fact duly and properly elected.

We find many decisions, and I hope to discuss a number of them this afternoon, during the short time allotted to me.

In expansion of my previous answer to the question of the Senator from Wisconsin, let me say that since the beginning of the Nation's history, no Senate has ever held an election void or a nullity because of the failure of officials of the election in a State to comply with the code relating to the conduct of such officials, in the absence of fraud and in the absence of any indication of conspiracy or any attempt on the part of a candidate to influence the officials of the election by coercion, persuasion, or other means.

So the case as presented to us stands alone in terms of precedent. As we undertake to say in the minority views—

> Historically it is of interest to note that in no case out of all the precedents in United States Senate election contests has a Senate committee ever recommended that a duly elected United States Senator be deprived of his office because of allegations that election officials of a State have failed to comply fully with the State's election code, absent any showing of fraud or corruption by the Senator so elected.

That is to be found on the first page of the preamble of the minority views.

Mr. WILEY. Mr. President, will the Senator further yield?

Mr. HENNINGS. I am glad to yield.

Mr. WILEY. The Senator from Missouri has said there is no precedent. I should like to make one inquiry, because my memory is not clear. I understood the Senator from Wyoming [Mr. BARRETT] to state that on another occasion conditions were reversed, and that at that time the senior Senator from New Mexico raised the identical question now

being raised in this case against him. If that were true, what took place on that occasion? Was not that case a precedent?

Mr. HENNINGS. The Senator is correct. Certainly the record reflects that at one time a contest was instituted in the case of Chavez versus Cutting. Counsel for the contestant at that time, the present senior Senator from New Mexico, urged, among other things, that election officials had failed to comply with certain mandatory provisions of the statute.

Mr. WILEY. What was the decision of the Senate in that case?

Mr. HENNINGS. The decision of the Senate in that instance was that Senator Cutting was the duly elected Senator.

Mr. CHAVEZ. Mr. President——

Mr. HENNINGS. I will let the senior Senator from New Mexico answer the question. He knows more about the case than I do.

Mr. CHAVEZ. The case did not come up for action.

Mr. HENNINGS. It came before the committee, did it not?

Mr. CHAVEZ. It came before the committee, but the committee had not acted upon the case when, unfortunately, Senator Cutting lost his life in an airplane accident.

Mr. HENNINGS. The Senator from New Mexico advises me that Senator Cutting died before the Senate actually took action.

Mr. WILEY. Then that unfortunate accident disposed of the necessity for the Senate acting upon similar facts. As I understand, in the opinion of the Senator, that is the only instance in the history of contests before the Senate in which the facts were more or less similar.

Mr. HENNINGS. I can find no other precedent save the one to which the Senator has alluded. The contest in that case was terminated because of the unfortunate death of Senator Cutting.

Mr. WILEY. Has there ever been a previous example of a case such as we now have before us, in which the Governor and other officials were conceded the election, and the same Governor issued a certificate of election for the Senator whose election was contested? Does the Senator know of any such precedent?

Mr. HENNINGS. I have never heard of such a case. It would seem to shock all reason and good sense to say that a Governor, 2 Members of the House, and 4 presidential electors from a State were elected on November 4, 1952, but that a United States Senator was not. To follow the matter to its conclusion, should the Senate adopt the majority report as it is now before us, under the Constitution of the United States, that same Governor would, under the law of the State of New Mexico, be called upon to name a successor to the senior Senator from New Mexico. We point that out in the minority views.

Mr. WILEY. I thank the Senator.

Mr. LEHMAN. Mr. President, will the Senator yield for a question?

Mr. HENNINGS. I am glad to yield for a question. Then I should like to start my statement, in order to lay down certain basic premises. Thereafter I shall be glad to yield from time to time as questions may arise.

Mr. LEHMAN. Referring to the very surprising deathbed suggestion that, in the event the majority report should be accepted by this body and the Governor should appoint a successor to the elected Member from New Mexico, the Senate would disqualify such appointee, has there been a case within the knowledge of the distinguished Senator from Missouri in which the Senate disqualified an appointee, or a prospective appointee, in advance of his appointment?

Mr. HENNINGS. Let me say to the distinguished Senator from New York that this improvisation of the distinguished Senator from Oregon [Mr. CORDON] may not have been particularly good, but it was certainly quick. The minority expected to make some point of the inconsistency and the towering and monumental absurdity of this proposal, among other things which we are now called upon to sustain and act upon by majority vote.

After 13 months the majority of the Subcommittee on Privileges and Elections has decided to shift its ground somewhat. Not only is it proposed to declare that no one was elected, but, in effect, it is proposed to tell the people of New Mexico that the election of their Governor is tainted, that he may be Governor, but that we here in Washington do not think he is much of a Governor. It is proposed to send word out to them, should the Senate sustain the position of the majority that, if the same Governor should have the temerity to appoint anyone as Senator from this sovereign State to take the place of Senator DENNIS CHAVEZ, the appointee would not be hospitably received, and that the Governor had better not offend our tender sensibilities and affront us by sending someone here, in compliance with his legal duty and his duty under the Constitution of the United States. That, in effect, is the ground that is taken.

Mr. WELKER. Mr. President, will the Senator yield?

Mr. HENNINGS. I yield to my friend from Idaho, and then I should like to proceed.

Mr. WELKER. I appreciate the courtesy of my colleague. Knowing him to be an eminent attorney, I am desirous of obtaining his views with respect to the case of Moore against Seymour, the Georgia case cited by the distinguished Senator from Wyoming [Mr. BARRETT], with respect to the mandatory rule governing a very similar situation. The facts in that case are not completely set forth. However, knowing the Senator from Missouri as I do, I should like to have his observation. I am very much concerned over the cases which have been cited. I am endeavoring to read them as fast as I can. Before the Senator gets into the main part of his statement, I should like to have his observation with respect to the case of Moore against Seymour.

Mr. HENNINGS. The distinguished Senator from Idaho and I happen to be brethren on the Judiciary Committee. In undertaking to answer this question, I wish to say at the outset that in approaching this question I hope we shall all bear in mind that this is not a partisan matter. Our consideration of this case should not partake solely of the nature of partisan consideration. Of course, it is partisan in its elements. Any election is partisan. But I hope that Senators, sitting as a judicial tribunal to pass judgment upon the right of one of our Members to hold his seat, will not cast their votes strictly along party lines. For that reason I appeal not only to the Senator from Idaho, who is a lawyer of experience and ability, but to other lawyers and other fair-minded Members on the majority side, whether they be lawyers or not, to accord this case the same mental hospitality, if you please, the same disposition to treat with the facts and to interpret the law, as they would expect the Senate to do in a case involving one of their own number.

In answer to the question of my friend from Idaho, I heard of the Georgia case a moment ago. I have asked that the decision in that case be brought to me. I have not had an opportunity to read it. I have tried to read many cases. As we proceed, I shall bear the Senator's question in mind and, to the best of my ability, try to analyze that case.

As a lawyer, I should like to invite the Senator's attention to certain very important language. Much has been said in this case about the mandatory duties, whether of the voters or of the officials of the election, prescribed by the statutory law of the State.

I am sure it will appeal to the reason of the Senator when I suggest to him that there is a distinction between mandatory provisions relating to the conduct of an official of an election, as laid down by law, and certain requirements demanded of voters. Certain things are required that an election official do, and in certain sections of the law there are provisions relating to the things which a voter must do, such as are shown in some cases which I shall cite later. If a voter voluntarily exposes his ballot, that is a violation of the secrecy of the ballot, but its genesis is in the act of the voter, and the voter is to blame if he exposes his ballot to others in the polling place or outside the polling place.

There is a mandatory provision in the New Mexico election code that a ballot must be marked in indelible pencil or with pen and ink. Upon the voter devolves the duty of so marking his ballot. That is obligatory and mandatory upon the voter, and the statute provides that ballots not so marked shall be void and invalid.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. HENNINGS. I yield to the distinguished Senator from Georgia.

Mr. GEORGE. Will the Senator yield so that I may refer to the Georgia case?

Mr. HENNINGS. I am glad to yield. I have sent for that case. I am sure the Senator from Georgia has already read it.

Mr. GEORGE. That was a case which involved the issuance of securities, namely, school bonds.

Mr. WELKER. No; it pertained to a sheriff.

Mr. GEORGE. The sheriff was merely the man who had charge of the election, or who was charged with the responsibility of providing for a proper election. It was an equitable suit for an injunction, and it was held on demurrer that the petition set forth a cause of action, because a majority of the court—the court itself was divided—concluded that the statute was mandatory in the case of a county which made no attempt to regard the election law although the county had adopted the Australian ballot system.

I merely wished to call attention to the fact that it was an equitable suit for an injunction in which the court held that the demurrer was not good, that is, that the statute was mandatory. The actual facts therein involved were, as I recollect now, that there was no attempt at all on the part of the county to comply with the Australian ballot system, which had been adopted in that county. We originally had what we called the local-option provision in our law.

Mr. WELKER. Mr. President, will the Senator from Missouri yield?

Mr. HENNINGS. I yield to the Senator from Idaho.

Mr. WELKER. I agree with the distinguished Senator from Georgia. In my brief research of the law involved in the case I found that Moore against Seymour was perhaps one of the strongest cases in support of the majority report.

I have never been a judge, although I have been a lawyer—or I thought I had been a lawyer—and I wish to say that I shall be governed in this matter by what I believe are the law and equity and justice, regardless of where the chips may fall. I paid rapt attention to the statement of the Senator from Wyoming [Mr. BARRETT], and I shall pay equal attention to the Senator from Missouri.

Mr. HENNINGS. Mr. President, I thank my colleague, the Senator from Idaho for his contribution and his questions. I am sure that he, as well as all other Members of the Senate, will undertake to sit impartially and view this matter, not in the light and total aspect and narrow boundaries and confines of partisanship, but—I should not say that they will rise to the dignity, because it would be impudent on my part to say so—but will continue to maintain the dignity and fine impartiality to which this great body has always exhibited when called upon to exercise judgment and reason and sense, and to apply the law when passing upon a question involving another Member.

Mr. President, as the sole member of the subcommittee minority, probably I should first ask the indulgence of the membership while I explain several points which I have undertaken to place in the minority view.

Before doing so, I know that every Member of the Senate is conscious of the fact that sitting before us today, at the bar of justice, if you please, Mr. President, and, for aught we know, upon the threshhold of his political eternity, is DENNIS CHAVEZ, for 24 years an honored and an honorable Member of the Congress of the United States.

He appears here as under indictment, after 13 long and arduous and agonizing months, while a subcommittee sat in judgment upon him and his qualifications to occupy a seat in this body, and a large staff and force, gathered from all over the country, overran the State of New Mexico in an effort to find, if they could, attaching to DENNIS CHAVEZ evidence of fraud, evidence of misdoing, evidence of impropriety.

I am compelled to say in all candor that, making allowances—not completely excusing, but making allowances—for a certain amount of youthful zeal and ardor, and conceding that perhaps partisanship, a worthy attribute in some respects, might have had much to do with this search for evidence, DENNIS CHAVEZ is before his peers in this body today a man of unblemished personal character, and has emerged from this ordeal and this crucible fire, if you please, Mr. President, without even any suggestion being made in the majority report or anywhere else that he is guilty of any fraud, that he was a party to any impropriety, or that any person or persons responsible to Senator CHAVEZ committed fraud or any actual acts designed for the purpose of having other than an honest election and an honest count of the ballots cast in New Mexico on November 4, 1952.

Certain extraordinary circumstances and facts, Mr. President, I believe should be borne in mind by the Senate in considering the question of the election contest in New Mexico. I wish to disavow now, and I hope I disavow on behalf of the Members of the Democratic Party, any suggestion that we as individuals or as a party condone, tolerate, or treat lightly any effort on the part of anyone, irrespective of political affiliations, to commit election thievery or election fraud. If I may be pardoned for 1 personal reference, as the district attorney for a city of almost 3 times the population of the State of New Mexico, I had many occasions to prosecute those who would defile the ballot box and those who would present a threat to the untrammeled exercise of the will of a sovereign people. I do not want any misunderstanding on that score, Mr. President. I have read in some newspaper accounts that because there are more Democrats in the Senate by one than there are Republicans, the result is a foregone conclusion.

I wish, Mr. President, to lay down the proposition and to do so with the utmost of sincerity and conviction of which I am capable, that I am not asking or urging any Member of this body on this side of the aisle to vote to sustain the minority views merely because the Senator who is on trial, so to speak, before us is a Democrat, a member of my party. I would disavow any such suggestion. This is an opportunity for the United States Senate, Republicans as well as Democrats, who have been sent to this body by the voters of the 48 States of the Union, to fulfill one of the highest duties and, at the same time, one of the most awesome responsibilities laid upon United States Senators, that of sitting in judgment upon a colleague. I beseech the Members of the Senate, including our colleagues on the other side of the aisle, to consider the facts, the evidence, and the law and to interpret them in the light of reason, in the light of justice, and in the light of commonsense.

The investigation, Mr. President, was, from the very outset, in my judgment, conducted with complete disregard for the well-established principle that an election contest is not an adversary proceeding. In the best American tradition, an election contest should be a conscientious and objective effort to consider all the relevant facts in a given case and to arrive at conclusions sustained by the facts.

The failure of the subcommittee to conduct its work in an objective and a nonpartisan manner, the apparent intent from the start to disfranchise the voters of the State of New Mexico, and to deprive a duly elected United States Senator of his seat, I hope to make abundantly clear as the matter is being presented and tried.

It must be said, however, that what has been a determined effort, using every available means, to discredit Senator DENNIS CHAVEZ and to taint his election with fraud, has failed dismally and utterly. Senator CHAVEZ has been among us many years in honorable service, and he emerges a man of unblemished character and unquestioned integrity. No fraud or corruption in any way attributable to Senator CHAVEZ, placing the most liberal possible construction upon what we may call fraud or corruption or violation of the statutory requirements imposed on the officials of elections, has been found, nor has it even been suggested.

Today, Mr. President, the United States Senate is being asked to declare Senator CHAVEZ' seat vacant because, under the most liberal and extreme interpretation—and I am far from ready to agree, as the argument will later develop, with the interpretation of some of the cases which the majority places upon them—certain irregularities have been alleged. In those circumstances it is interesting to note that under the precedents of the Senate no contest has ever emerged from a Senate committee with a recommendation that a duly elected United States Senator be deprived of his seat because the election officials of a State have failed to comply fully with that State's election code, in the absence of any showing of fraud or corruption on the part of the Senator so affected. No legal or moral basis exists for the attempt now being made to declare vacant the seat occupied by the senior Senator from New Mexico.

The recommendations of the majority report, if adopted, would establish a precedent which would do violence to justice and reason and would arise to confront the Senate in elections hereafter.

Every Senator should ask himself the question whether he would be content to have his own election judged under the circumstances and theories which the majority report advocates in this case.

Mr. President, although prior to the afternoon of March 11, I had never seen the majority report in this case, nor had I sighted it, interestingly enough my name appears at the end of the conclu-

sions and findings on page 5, showing me as a dissenting member of the committee. I desire to acknowledge the compliment indicating that I, of course, would dissent from this remarkable document. Since my name has been attached to the report, I wonder if all the other things contained in the report are entitled to as much credibility as is the fact that my signature was placed on the majority report without my having seen or read any part of it, any draft of it, any proof of it, or even a paragraph of it.

As a matter of justice and right, as well as in conformity with the precedents of the Senate, when a subcommittee is charged with the investigation of an election of a United States Senator, both major political parties should be represented during the preparation and completion of a report. But in this case the minority was excluded entirely from any of the normal and necessary activities and participation.

Why do I say that? Because I am serving in my fourth year as a member of the Subcommittee on Privileges and Elections. For a short time, I was chairman of the subcommittee. I had the naive notion, and apparently the misguided belief, that sometimes when a committee acts, it acts as a committee. When the preliminary report was presented, indicating that all the charges, or most of them, in the petition filed by General Hurley in his complaint were true, I voted to conduct a preliminary investigation. That has been the policy of the Subcommittee on Privileges and Elections and the old Committee on Privileges and Elections from time immemorial.

Certainly, within recent years, when a responsible party to a proceeding, a candidate, a State chairman, or anyone else who had a right to make a complaint, made one, there was a preliminary investigation. Thereafter the preliminary investigation indicated either that there had been widespread acts of fraud and misdoings or that there had not been.

It seemed to me that, in all justice and fairness, Senator CHAVEZ was entitled to have his name cleared and his election stabilized; or the converse: that if General Hurley had been the victim of fraud, vote stealing, or the misdoings of Senator CHAVEZ or any of his agents, then, in turn, General Hurley should be the beneficiary of whatever facts might be ascertained by the committee.

Apparently the rights and interests of the minority in this instance were completely disregarded, and disregarded upon the assumption that the minority has no rights. The minority member of the subcommittee was at no time consulted about the employment of any member of the entire subcommittee staff, consisting, at various times, of, in the neighborhood of, 60 or more persons.

Only after repeated insistence was the minority member of the subcommittee allowed counsel; and then only for a period of some 3 months, when counsel representing the minority resigned, because he realized the futility of trying to protect the interests of the minority and of trying to encourage a nonpartisan approach to the procedures and conditions at issue. The reason was that Mr. Ehrlich, counsel for the minority, was never shown any documents, papers, or other information whatsoever. When he went to New Mexico, he was not treated as a part of the staff, and was unable to perform his duties, or any part of them.

I may say that during that period of time I was constantly and repeatedly requested not to insist that Mr. Ehrlich remain on the staff because, as it was put to me, Mr. Ehrlich would not do anything. Later investigation disclosed that minority counsel was never treated as counsel; that he was there merely at the sufferance—the naked, bare sufferance—of the committee counsel—the counsel in chief, as I believe he was called—and of the other members of the staff.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HENNINGS. I yield.

Mr. LONG. The Senator from Missouri has made an amazing statement to the effect that he was not given an opportunity to join in the majority report. I wonder if he was consulted about the proposed findings of the majority report, or the logic upon which those findings were to be based.

Mr. HENNINGS. In answer to the Senator's question, I may say that I never was consulted. I had no opportunity even to dissent. I was simply put down as dissenting, and that was it.

Mr. LONG. Is the Senate to understand that the majority of the subcommittee did not even accord to a member of the subcommittee an opportunity to consult with them about the basis upon which it was proposed to recommend that a member of the staff should be discharged from the service of the committee?

Mr. HENNINGS. I fear that the Senator from Louisiana is about as naive as I was when I embarked upon the undertaking. I had the notion that "subcommittee" meant exactly what its name implied—that it was to be composed, in this case, of two members from majority and one member from the minority. I had the idea that the subcommittee would sit down and discuss the case.

When I was chairman of the committee, some time ago, we always called in the minority member, went over with him the drafts of committee reports, tried to come to some adjustment and accommodation with respect to varying views, and endeavored to reach the immediate objections of the minority. Whatever decision was reached was the consensus of the entire committee. At least, an effort was made to follow that pattern.

It happened that during my 3 previous years of service on the committee, in all instances, the Subcommittee on Privileges and Elections made reports which were unanimous. I can remember as many as 4 or 5 occasions when the minority and the majority agreed. Each gave a little here and a little there, and we agreed upon a report which struck a balance between the equities, the rights, and the views of both sides.

But in this case no minority member was given an opportunity to pass upon any of the employees; nor was he, except grudgingly, allowed to have counsel; and when that counsel went to New Mexico he was not allowed to do anything or was not shown anything. There he sat.

Mr. LONG. I believe the Senator from Missouri was a member of the committee when a very controversial case involving a Member of the Senate was conducted during a previous Congress. I believe that was the investigation pertaining to the Senator from Maryland and the distinguished senior Senator from Missouri was a member of that committee.

Mr. HENNINGS. Yes. I was a member of the committee during the investigation in Maryland and in Ohio, the Hanley investigation in New York, and the investigation in Pennsylvania.

Mr. LONG. In those instances, when the Senator from Missouri was a member of the subcommittee previously, and other Senators were being investigated, at a time when the Senator from Missouri was on the majority side of the aisle, can the Senator from Missouri recall any instance in which the minority was excluded from an opportunity to vote upon or discuss procedure or proposed findings?

Mr. HENNINGS. There has never been any such occasion, to my very definite knowledge, I may say to the Senator from Louisiana. The committee always tried to treat the minority members of the committee as equals, and gave equal opportunities to minority members of the committee.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. HENNINGS. I yield.

Mr. MONRONEY. It was my pleasure to serve with the distinguished Senator from Missouri for several years on the Subcommittee on Privileges and Elections. Can the Senator from Missouri remember a single time or a single conference which was ever held by the Subcommittee on Privileges and Elections, in which we did not have in attendance, if they were in the city and available, the full membership of the minority side?

Mr. HENNINGS. Perhaps the Senator from Oklahoma will remember that at one time the subcommittee consisted of five members. I am thinking particularly of the investigation in the State of Maryland. The Senator may remember that five members of the subcommittee sat around the table and wrote the report.

Mr. MONRONEY. There was full discussion of the report by all members, and the report as published was unanimous. All the minority members contributed as much to the report as did the majority members.

Mr. HENNINGS. That has been true, as the Senator from Oklahoma well knows, throughout his tenure of service on the committee.

Mr. MONRONEY. Is it not true that at all times counsel for the minority attended the meetings, and was given the fullest cooperation, and his suggestions were given the fullest consideration, by both counsel for the majority and majority members of the committee?

Mr. HENNINGS. The Senator is eminently correct.

Mr. MONRONEY. That was the reason why the committee was able to function harmoniously and to submit unanimous reports which were largely unchallenged.

Mr. HENNINGS. The committee proceeded under the apparently somewhat antiquated, old-fashioned notion that the Subcommittee on Privileges and Elections had a duty to find facts, not to prove anything for or against anyone; and that it was obligated to make an objective and impartial effort to arrive at a recommendation and a report which comported with the facts and the law.

Mr. MAYBANK. Mr. President, will the Senator from Missouri yield?

Mr. HENNINGS. I am very glad to yield to the Senator from South Carolina.

Mr. MAYBANK. I merely desire to make it perfectly clear also that prior to the time the Committee on Rules and Administration took over jurisdiction over elections, under the Reorganization Act, with which the distinguished Senator from Oklahoma had much to do, along with Senator La Follette, of Wisconsin, there was a Special Committee To Investigate Senatorial Campaign Expenditures, of which the senior Senator from Louisiana [Mr. ELLENDER], who now sits beside me, was chairman. Prior to the enactment of the Reorganization Act, I happened to be a member of that committee, and we would all sit around the table, and under the chairmanship of the Senator from Louisiana, the members of the opposition party were freely permitted to appoint their own counsel and clerks.

Mr. HENNINGS. I do not wish to burden the record or labor the point any further, Mr. President, but I did desire to make the statement and the declaration that the duties of the minority member have at times been made rather difficult because of the fact that it did not seem to be within the purview of the investigation and procedure that the minority member should have either counsel or any investigators upon whom he could rely because of recommending their appointment or even ratifying them. However, be that as it may.

Mr. BUSH. Mr. President, will the Senator yield for a question?

Mr. HENNINGS. I am glad to yield to the Senator from Connecticut.

Mr. BUSH. I wish to refer to the report of the committee.

Mr. HENNINGS. Is the Senator speaking of the majority report?

Mr. BUSH. Yes; I am.

Mr. HENNINGS. Will the Senator tell me to what page he is referring?

Mr. BUSH. I am referring to page 96, section 5, under the heading "Subcommittee Orders Full-Scale Investigation and Recount."

That portion of the report states:

> On April 17, 1953, the subcommittee after carefully considering the preliminary report filed by the staff, ordered a full-scale investigation of the election—

And so forth. Does the Senator not recall that that was done? Was he not present as a member of the committee?

Mr. HENNINGS. Oh, yes; I recall that very well. If the Senator desires me to answer his question, I shall be very glad to do so.

Mr. BUSH. I certainly shall be glad to have the answer of the Senator, because I have been receiving the impression that the Senator was not included in the subcommittee's actions.

Mr. HENNINGS. I shall be glad to answer the question. The Senator raises the question as some indication or impression that I was not present or that I took no part in those proceedings. Is that the impression which the Senator is receiving?

Mr. BUSH. Yes. I understood the Senator to be developing the point that he was sort of an outsider in the whole proceedings. I should simply like to go back to the beginning and ascertain whether the Senator was present at the meeting. I do not know whether or not the Senator voted for the investigation.

Mr. HENNINGS. I did. I just stated that.

Mr. BUSH. The report states that a full-scale investigation was ordered. At least the Senator was there up to that point, was he not?

Mr. HENNINGS. The Senator from Connecticut has been present and has been listening very attentively. I believe I said that following a preliminary investigation allegations were made relating to certain irregularities, including fraud, in the State of New Mexico. I then certainly voted to investigate such allegations, with the understanding that Bernalillo County, which is the county comprising about 25 percent of the entire voting population of the State, was to be counted as a test county.

It is true that the chairman of the subcommittee has stated that that was not his understanding. He has stated that he believed it was to be a full-scale investigation. It was understood that the committee was to select the county about which General Hurley complained and which he suggested was the county in which the greatest law violation was committed. With such an understanding, and not as a partisan member, but as a member of a subcommittee which was trying to ascertain what the facts were, I voted for a preliminary investigation. I stated that before.

Mr. BUSH. The report further states that on May 27, 1953, members of the subcommittee met in Albuquerque for the following purposes: To approve rules of procedure, and so forth.

Mr. HENNINGS. The Senator is correct.

Mr. BUSH. It does not sound to me as if the Senator was so much of an outsider up to that point in the proceedings.

Mr. HENNINGS. I might ask my good friend, the distinguished Senator from Connecticut, if he knows when the investigation started.

Mr. BUSH. I presume the record shows that.

Mr. HENNINGS. The Senator from Connecticut is making observations about my participation. I assume he knows when the investigation started. The Senator would hardly be qualified to make observations about the extent of my participation if he did not know when the investigation started.

Mr. BUSH. My understanding is that the investigation began immediately after the election.

Mr. HENNINGS. I should like to ask the Senator just when the investigation did begin.

Mr. BUSH. I would have to look at the record.

Mr. HENNINGS. While the Senator is looking at the record, I should like to state——

Mr. BUSH. Perhaps the Senator can enlighten us. I am not priding myself on a knowledge of the record. Perhaps the Senator can tell us when the investigation began.

Mr. HENNINGS. I heard the Senator from Connecticut make certain observations about the Senator from Missouri. I was assuming the Senator knew when the investigation began. Does the Senator know when the investigation ended?

Mr. BUSH. I assume it has not ended yet, or the Senate would not now be considering it.

I am trying to follow the statement of the Senator from Missouri very closely. He has given me the impression that he has been dissociated in the investigation and that he has been ignored by the subcommittee. I do not approve of that kind of conduct. I am trying to ascertain from the record whether the Senator was actually in New Mexico at the meeting in May, whether or not he voted for the investigation, and so forth.

Mr. HENNINGS. Mr. President, I do not want to dwell on the question too long, and I do not think the Senator from Connecticut will, either, when he realizes what the circumstances were. Of course I voted for the investigation. I stated that I did before the Senator asked the question, and I stated why. I have also stated that a report was presented to the committee which I had never seen, and my name was signed to it, although I had never signed it. I said I had no employee on the committee, either on the staff or in a legal way, except counsel for a period of 3 months, and he was excluded. I mentioned that, incidentally, to show some of the spirit behind this investigation.

I might inquire of the distinguished Senator from Connecticut, as a reasonable man, if he were a member of the minority, would he expect to be treated in that manner? Would he not expect to be consulted about employees? Would he not expect to have counsel of his own choosing, who could have access to some of the data in the investigations which were being conducted?

Mr. BUSH. The Senator has asked a very reasonable question. My answer is, Yes; I would expect that.

Mr. HENNINGS. I know the Senator is very fair.

Mr. BUSH. I thank the Senator for that observation, but I have looked at the record, and it seemed to me that up to a certain point the Senator participated in the whole investigation. I do not know whether it was the fault of the chairman or why it was, but the Senator seems to have disassociated himself from the proceedings at some point.

Mr. HENNINGS. No; I did not.

Mr. BUSH. I am sorry I interrupted.

Mr. HENNINGS. I am glad the Senator did. I do not want any misapprehension about the matter. I do not want to be whining or complaining; I merely want to state the facts as they were. For example, I was assured, at a meeting in December, that I would be given portions of the majority report, or a report, from time to time, so that I could correct it, look at it, and either agree or disagree with it. A week from last Thursday I was handed the entire report, to which my name had been signed, none of which report I had even seen. I was given no preliminary report. It took from September to March, when the subcommittee returned from New Mexico, to prepare the majority report. I had 6 days in which to read the majority report and to undertake to prepare the minority views. Let me ask the Senator from Connecticut whether under those circumstances he would feel he had been treated as a member of the subcommittee?

Mr. BUSH. I consider the question of how I would feel about the matter to be irrelevant.

Mr. HENNINGS. I think it is very important, however.

Mr. BUSH. But I believe the Senator from Missouri has a very good point, if that is the fact of the situation.

Mr. HENNINGS. I give the Senator from Connecticut my word that it is the fact.

Mr. BUSH. I would not doubt the Senator's word.

In connection with this matter I wonder whether at some point the Senator from Missouri dissociated himself from the proceedings and "signed off," so to speak, or whether he was deliberately ignored by the majority members of the subcommittee.

Mr. HENNINGS. At no time did I dissociate myself from the committee's operations. Of course, during December there were other committee meetings for me to attend. I did attend some of the meetings of the subcommittee. At others I was represented. For a time I was ill; and on other occasions I was in Washington, attending other committee meetings.

The point probably is not too important; but it does indicate, I am sure, to a man as fair-minded as the Senator from Connecticut, that there has been some irregularity in the way this matter has been handled.

For example, would the Senator from Connecticut like to have his name signed to a report he never saw? Of course, that is a rhetorical question which I shall not ask the Senator from Connecticut to answer.

Mr. ELLENDER. Mr. President, will the Senator from Missouri yield to me at this point?

Mr. HENNINGS. Yes, if the Senator from Louisiana thinks this is an appropriate time for me to interrupt my basic statement.

Mr. ELLENDER. I should like to know when the Senator from Missouri was advised that the entire subcommittee would meet to decide whether the entire election should be set aside. Was that question taken up in any meeting of the subcommittee?

Mr. HENNINGS. It never was taken up in the subcommittee. Does the Senator from Louisiana refer to the 80,000 votes?

Mr. ELLENDER. The Senator from Missouri will recall that the hearings which have been placed on our desks show that Mr. Ware, who was chief counsel of the Subcommittee on Privileges and Elections, had, in Albuquerque, a conference in which certain stipulations were agreed upon, in regard to conducting the investigation under certain rules and regulations which were laid down. Surely at that time it was the intention to take into consideration the petition which was filed.

When was the Senator from Missouri advised—or was the matter ever taken up by the subcommittee—that the petition would be laid aside, and that a new course of action would be taken in connection with these proceedings?

Mr. HENNINGS. As nearly as I can recall, I do not know whether the minutes of the hearings will reflect that it was ever taken up. I have no information about it.

Mr. ELLENDER. I have looked in vain in the hearings, and there is absolutely nothing to show when the petition was set aside and a decision made to pursue the other course.

Mr. HENNINGS. I thank the Senator from Louisianna.

Mr. LONG. Mr. President, will the Senator from Missouri yield to me?

Mr. HENNINGS. I am glad to yield.

Mr. LONG. Are we to understand that this contest began when General Hurley alleged there had been fraud on the part of Senator CHAVEZ, and that, therefore, General Hurley should be declared to be the person elected from New Mexico to the Senate?

Mr. HENNINGS. Undoubtedly that was the beginning of it.

Mr. LONG. Are we also to understand that the subcommittee investigated those charges, and found there had not been fraud by Senator CHAVEZ; and that then, in a meeting from which the minority member of the subcommittee was excluded, or perhaps at no meeting at all, the majority members of the subcommittee arrived at the conclusion that the charges were not proved, but that the subcommittee, on its own motion, should file a complaint to the effect that there was no election, and that it should proceed on that basis, without informing the minority member of the new course of action?

Mr. HENNINGS. I can inform the Senator from Louisiana that the proposal to declare the election in New Mexico a nullity was, insofar as I know, never submitted to the committee.

Mr. LONG. So do I correctly understand that the Senator from Missouri never had a chance to discuss with the other members of the subcommittee the proposed course of action?

Mr. HENNINGS. No; no more than I had an opportunity to discuss the amendment to the resolution offered this afternoon by the distinguished Senator from Oregon [Mr. CORDON].

Mr. LONG. So the Senator from Missouri, sitting as the only minority member of the subcommittee, was under the impression that he was helping to investigate charges against Senator CHAVEZ, based on the theory that if Senator CHAVEZ were found guilty of the charges, perhaps Mr. Hurley might be seated; and then, without even discussing the matter with the Senator from Missouri, the other members of the subcommittee apparently filed their own bill of particulars, and found the election no contest; is that correct?

Mr. HENNINGS. The Senator from Louisiana is exactly correct. Before the report was published and before I saw it, I had intimations from the press that that would be the finding; but I had no knowledge about it from the committee.

Mr. LONG. Then are we to understand that the majority of the subcommittee filed a report which they described as being the majority report, and did not even discuss it with the Senator from Missouri?

Mr. HENNINGS. I state unequivocally that I never saw the report or any part of it or any proof of it, but my name was signed to it.

Mr. MONRONEY. Mr. President, will the Senator from Missouri yield at this point?

Mr. HENNINGS. I am glad to yield.

Mr. MONRONEY. Can the senior Senator from Missouri tell us whether the minutes of a meeting of the Subcommittee on Privileges and Elections, show that the report was ever voted on? Does the record of the subcommittee show that the minority member of the subcommittee was ever given an opportunity at any of the subcommittee's sessions to know that the report was to be forthcoming and was to be voted upon at that time?

Mr. HENNINGS. In answer, let me say that on Wednesday, a week ago, there was a meeting of the Committee on Rules and Administration. The minority member had been ill with an attack of influenza. I attended the Wednesday meeting. At the meeting, I was advised that a galley proof would be ready on Friday or Saturday night.

When the minority member came to the Senate to vote on the Alaska statehood amendment, on Thursday, the report was handed to him.

I can find no record—and I have asked the committee clerk to give me the minutes of the several meetings—that the report was ever submitted to the subcommittee at a meeting which I did not attend. On the last day the report was handed, I believe, to my administrative assistant, as a completed report.

Mr. MONRONEY. But the senior Senator from Missouri will, I know, fully realize that the subcommittee, as well as the parent committee, is bound by the rules of procedure of the parent committee; and I know of no legal process under the rules by which any report either of a subcommittee or of the full committee can possibly reach the floor of the Senate, for consideration, if there has not even been a pretense of holding a meeting of the committee.

I think we stand in a rather poor light before the country if we try to say that the result of the election of a Member of the United States Senate shall be set aside on the basis that all the details

of the election laws to be enforced in the various counties by the county election boards were not fully observed.

Yet, apparently, the Members of the subcommittee willfully violated the known rules of the Senate Committee on Rules and Administration, and submitted to the Senate a report which was not properly before the majority members; nothing in the subcommittee's record indicates that it was properly before them.

Mr. HENNINGS. Lamentably, I think the Senator is correct in his observation.

If I may continue with my statement, the subcommittee investigators were ordered to return to the State of New Mexico in September 1953. The minority member had been assured by the chief counsel that he would be given portions of the report from time to time as it was being completed. Of course, this was never done, as I suggested to the distinguished Senator from Connecticut [Mr. BUSH].

These repeated violations of precedent and the flagrant disregard of the clear duty with respect to rights and obligations of a minority, and to consult with him in the investigation and preparation of a report, compel the minority member to state advisedly—although reluctantly—that neither the investigation nor the report of its conclusions in this case was the product of the collective action and deliberation of the full subcommittee.

It must be remembered that the authority of the subcommittee to marshal and evaluate evidence relating to this contest was apparently assumed by the staff investigators. The staff investigators prepared the so-called evidence in their own manner and by their own methods. There is serious question as to whether the subcommittee can delegate to its chief counsel the authority to receive and evaluate evidence before the Senate, as apparently has been done in this case.

In the judgment of the minority member, the majority report withholds essential facts. It misinterprets legal decisions. It is misleading as to the evidence, and lacking in relevancy, as I shall undertake to establish these statements as I proceed, and as I have undertaken to do in the minority views. As a result, any attempt to answer all the misstatements and all the errors is impossible.

The minority member of the subcommittee, knowing his distinguished colleagues of the majority to be men of sound judgment and experience, finds it difficult to believe that they wrote or prepared any part of the majority report. Nor does he know whether or not his colleagues, in filing this report, assumed responsibility for its entire contents. The minority member assures the Senate, however, that he has prepared his own report and is thoroughly familiar with its contents, and accepts full responsibility for it.

The minority member further states affirmatively and emphatically that even the most unfavorable construction which might be placed upon any of the facts claimed to have developed as the result of the investigation fails to show that any official of the election in New Mexico committed fraud for the benefit of the senior Senator from New Mexico or to the detriment of General Hurley.

Nor is there any evidence whatsoever that the total vote of the senior Senator from New Mexico was in any way increased as the result of the possible failure of certain officials of the election to comply in all particulars with the code of elections. Nor is there any evidence that General Hurley's total vote was diminished. Although no fraud was shown on the part of the election officials, the majority report attempts to make its case by translating the possible failure of officials to comply with all the technical sections of the election code into a mandatory duty on the part of the voters.

Assuredly it cannot be earnestly contended that the voter by the statutes of New Mexico regulating the duties of the State officials, has a mandatory duty imposed upon him to insist that the officials of the elections comply with the law. In other words, it seems abundantly clear that one cannot say that because a voter goes into a polling place and does not see a certain number of voting booths—and we know not how many are required under the law, because the law does not state; it says an "adequate" number—the voter is thereby compelled to bring a mandamus action against the officials of the election to supply certain booths, in order not to be disfranchised, and in order to have his vote counted as it is cast. That does not comport with sense or reason, and it does not comport with the law in New Mexico or anywhere else that I know anything about. Certainly it cannot be suggested as a corollary that, if the voter does not insist that certain of the paraphernalia of the election be present in the polling place, not only he, but all other voters in the precinct, will be disfranchised. This seems to be what the majority report recommends that the Senate adopt as a principle of procedure and as a precedent.

It seems to me that the chief counsel has in this manner misconstrued the intent of the legislature, in his construction of the word "mandatory". There was much discussion and debate on that subject earlier in the day. I asked the chairman of the subcommittee, the distinguished Senator from Wyoming [Mr. BARRETT], if he could suggest any provision whatsoever in the code of the State of New Mexico governing elections which required that a ballot cast in some place other than a voting booth should not be counted. The Senator from Wyoming suggested section 56–336, which I undertook to cover in the minority views, and which relates to ballots removed from the room in which the election is being conducted.

As we all know, the general rule in construing statutes and interpreting statute law is that the title to a section is a part of the section of the statute. The title of section 56–336 relates to the removal of ballots from the election room.

I hope that the construction placed upon the so-called mandatory duty, which relates to the duty laid upon the officials of the election by the law, could not have been a deliberate attempt to mislead the Senate. I hope it was due to a lack of understanding of the law. The cases cited in the majority report as authority for this conclusion are not in point, as will hereafter be shown, and as has been shown in the minority views. All the adjudicated cases, including those cited by the majority, are overwhelming authority against the position of the majority.

There are all sorts of ways to read a case. There are all sorts of ways to quote the opinions of courts, to quote obiter dicta, and, as in this instance, to leave a part of a provision of the statute out of the report.

Mr. POTTER. Mr. President, will my distinguished colleague from Missouri yield to me?

Mr. HENNINGS. Before my friend from Michigan rose, I said that I should like to complete this statement, but I am very glad to yield to the Senator from Michigan. I wish to be fair. I hope I do not have to assure the Senator from Michigan of that. I know he wants to be fair.

Mr. POTTER. I know the distinguished Senator from Missouri is always fair in his statements, and therefore there must have been an oversight on his part when he made his statement relating to the report, because I call his attention to page 13 of the majority report. I believe the Senator from Missouri is making his argument on the basis that the majority report failed to cite section 56–336, which pertains to the removal of ballots from the election room.

There was no disposition on the part of the majority to deceive the Senate.

Mr. HENNINGS. Mr. President, may I ask my good friend from Michigan to which report he is now referring?

Mr. POTTER. I am referring to the majority report on the resolution which we are now debating.

Mr. HENNINGS. When did the majority report come to the Senate? I may say that I have been working from the subcommittee print. I had 6 days in which to undertake the preparation of the minority views, and I worked with what was given to me on Thursday evening a week ago.

Mr. POTTER. I am sure the Senator from Missouri, if he had had the report before him, would not have made his statement. Before he continues with his remarks, if he does not have a copy of the report available, I shall be glad to make one available to him.

Mr. HENNINGS. Of course, I had to work with what was furnished to me by the majority of the committee. If revisions have been made in the report since I was handed a copy of the subcommittee print on Thursday, and from which I started to work immediately, because I had to do so, I am not aware of that fact. I could not very well ask if there were any revisions of the report.

Mr. POTTER. This is the latest report. I believe we had a committee print prepared, and about two days later the official committee report was issued. That is what I am referring to at the moment. I believe the official committee report came out the following day, after the report to which the distin-

guished Senator from Missouri is referring to. I am confident this section was contained in the committee print.

Mr. HENNINGS. Now that the Senator is here, I certainly do not wish to misstate anything.

Mr. POTTER. I know the Senator from Missouri would never think of doing any such thing.

Mr. HENNINGS. Does the Senator understand that section 56–336, relating to the removal of ballots from the election room, is the only section in the New Mexico Code which contains any provision relating to ballots not cast in a booth? I asked that question of the Senator from Wyoming, before the Senator from Michigan came to the floor. I asked him whether there was any provision in the election code of the State of New Mexico which required that a ballot not voted in the so-called booth—although the statute also refers to compartments—shall not be counted or considered a valid ballot. To state the converse of my question, I asked the Senator from Wyoming whether he understood that any ballot not cast in a booth, whether marked in a compartment or elsewhere, was, by the same token, not to be considered a valid or proper ballot.

The Senator from Wyoming suggested section 56–336, which relates to the removal of ballots from election rooms. That section in part provides:

Except as in this act (chapter) elsewhere provided, no person shall be permitted by the judges of the election during the conduct of any election to remove from the room in which the election is being conducted, any official ballot. No ballot so removed and marked—

That refers back to the ballots in the election room, I assume—

except in the proper booths under the supervision of the election officials—

No ballot so removed and marked—

That refers back to the ballots in the election room—

except in the proper booths under the supervision of the election officials, as provided in this act (chapter), shall be deposited in any ballot box or counted or canvassed by any election officials or canvassing board.

I realize that the Senator from Michigan does not labor under the disadvantage of being a lawyer—

Mr. POTTER. I seek my legal advice from my learned friend, the Senator from Missouri, but I am amazed at the construction which he is placing on this language.

Mr. HENNINGS. I wonder whether there is another section of the statute which relates to the casting of ballots in booths, than the so-called mandatory provision, upon which such stress has been laid by the majority, relating to the right of the voter to exercise his franchise and to have his vote counted, irrespective of the fact that the official of the election may not furnish all of the paraphernalia—in this case booths, or what might be meant by the nebulous and hard-to-define term adequate booths or booths of certain construction—for the benefit of the voter.

I realize that I am asking several questions, but I am honestly trying to get the benefit of the Senator's opinion, because I know he has been very fair and very judicious throughout the entire investigation.

Does the Senator from Michigan believe that the right of a voter to have his vote counted as cast is or is not paramount to the attempt to regulate the various minutia of the conduct of the officials of the election? Is not the important consideration, in other words, to give the voter the right to vote and to have his vote counted and to stabilize and to insist upon his franchise; and is not his right to his vote being preserved more important than holding that because officials did not haul a certain number of booths to a precinct or to the voting places the voter shall lose his right to cast his vote?

Mr. POTTER. In answer to the question of the distinguished Senator from Missouri I should like to say that certainly I believe every voter should vote in such a manner that his vote will count. However, I am sure the distinguished Senator from Missouri will agree with me that one of the fundamental principles of our form of government is a secret ballot.

When that right has been violated, when we have no knowledge as to whether a person had an opportunity to vote in secret, then I say it is much better not to count such votes even at the cost of disfranchising hundreds or thousands of voters, in order to protect the chief cornerstone of the foundation of our representative form of government.

Mr. HENNINGS. I certainly agree with my distinguished friend that it is very important to protect the secrecy of the ballot. I go along with him on that proposition. However, I wish to ask him this further question, if I may. I gather that the Senator from Michigan takes it to be a predicate to secrecy of the ballot that a ballot be marked in a voting booth. My notion of the secrecy of the ballot relates to whether in fact the manner in which a voter voted actually was observed, not merely could have been observed.

Mr. POTTER. That is where I disagree entirely with the distinguished Senator from Missouri.

Mr. HENNINGS. If that be the case, how would the Senator from Michigan interpret the alternative provision in the code of the State of New Mexico providing for booths or compartments? What would the Senator suggest might be meant by a compartment?

Mr. POTTER. I believe there we are entering the field of semantics. I am confident when the law refers to a compartment it refers to a booth-type compartment. I thoroughly disagree with the conclusion suggested by the Senator from Missouri when he says it is a question of whether the ballot was observed.

I say it is just as important whether it could have been observed. The Senator has seen the type of ballots which we have in Michigan, and I assume he has seen the type of ballots used in New Mexico and in other States. Persons voting in schools or certain other places find it most difficult to hide from observation the way they are voting. I do not know whether John Jones sitting in the far corner of the room could note how another person voted, but the opportunity was there, and the voter is under a certain feeling of intimidation when he knows he is not voting in secret.

Mr. HENNINGS. Then it is the Senator's view that a booth is necessary in connection with the secrecy of the ballot?

Mr. POTTER. Not necessarily so.

Mr. HENNINGS. And it is an indispensable adjunct to the secrecy of the ballot.

Mr. POTTER. I say that without booths it is most difficult to have secrecy of the ballot.

Mr. HENNINGS. Does the Senator consider that anyone who votes in any place other than a booth, under the provisions of the law of the State of New Mexico, should not have his ballot counted?

Mr. POTTER. Every possible opportunity was there for nonsecrecy. Such voters are under a cloud as to whether there was a secret ballot.

Mr. HENNINGS. To carry it one step further, does not the Senator from Michigan concede that if the voter be under a cloud, there rests a duty to show that the vote was improperly cast, that the vote was subject to coercion or threat, or that there had been something other than the ordinary processes, which violated the exercise of the voter's free will not only as to secrecy surrounding the manner in which he cast his ballot but for whom he voted?

Mr. POTTER. I say that when a ballot has been marked in a place where no secrecy was provided, whether the ballot was voted in secrecy or not, the voter did not have the opportunity of a free expression of his will.

Mr. HENNINGS. I thank the Senator from Michigan.

Mr. POTTER. I did not want to interrupt the Senator's speech.

Mr. HENNINGS. I am very glad to have the Senator's views.

Mr. President, on page 14 of the minority views I undertake to show in subparagraph (a) that secrecy of the ballot is not secrecy of the size of the ballot nor of the form of the ballot nor of the person of the voter nor of the fact of voting nor of the act of voting. It is specifically secrecy of the contents of the ballot, and the New Mexico Election Code so provides in section 56–501.

Though the courts of New Mexico have not decided what secrecy of the ballot means, the Kentucky Court of Appeals, in the case of Jones against Steele, has said that:

Mandatory provisions in the Constitution * * * providing for such secrecy of the ballot [does not] extend to and include the secrecy of the person of the voter while he was stamping his ballot.

To my learned friend from Michigan I also suggest that several other courts rejected the proposition that voters marking ballots on desks or tables in an open room and in plain view of other voters or the election officials should be disfranchised on the basis that there was no secrecy. The Missouri court in

the recent case of Lake against Riutcel rejected this proposition in these words:

From the secretary's testimony it appeared that * * * the polling place was the school gymnasium where tables were distributed over the floor and away from the judges * * * "the voters would come up to the judges and obtain a ballot and move off to one side and sit over at a table and scratch his ballot" * * *. There was nothing in it [the evidence] to show (nor is the claim made, except by inference) that the balloting was not secret in fact.

There would be a tenable basis for the majority recommendation if the New Mexico Election Code provided that "ballots not marked in a voting booth shall not be counted or canvassed." But the plain and simple fact is that New Mexico has no such provision. The only pertinent provision of the New Mexico Election Code is that which provides that ballots which are exposed "so as to reveal the contents thereof, or the name of any candidate or candidates for whom he"—the voter—"has marked the same; and no ballots so exposed shall be counted or canvassed."

In other words, any ballot whether cast in a voting booth or elsewhere, is invalidated if voluntarily exposed by the voter "so as to reveal the contents thereof, or the name of any candidate or candidates for whom [it] has [been] marked." Stated conversely, an exposed ballot, if not voluntarily exposed by the voter, is not invalidated.

There is a Louisiana case rejecting the contention that the absence of voting booths vitiated an election. In a very recent case reported in 199th Southern, 468, 471—Louisiana, 1940—the court in Louisiana said:

There were no facilities at the polls by and through which the voters could mark their ballots in secrecy; that all tickets were openly marked in violation of law, and should not have been received by the commissioners and, if received, should not have been counted.

Section 50 of Act 46 of the 1940 Election Code of Louisiana at that time read:

Any ballot willfully marked in violation of this provision and any ballot willfully exhibited will not be received by the commissioners, and if received notwithstanding this prohibition it shall not be counted.

Though this provision of the Louisiana court seems positive enough, whereas there is no comparable provision in the New Mexico Election Code, the Louisiana court said in the case of Beard against Henry:

We are clear in the opinion that the quoted paragraph of section 50 was not intended to have, nor has it, the far-reaching effect contended for by the appellant. Surely the electorate of a given precinct should not be deprived the right to vote, nor have their ballots, when cast, set at naught simply because designated officials have failed to observe some or all of the provisions of law relative to the secret preparation of the ballot. It is in no sense of the word the duty of the voters to provide such facilities.

Not only do the courts refuse to vitiate an election because of the failure of the election officials to provide voting booths, most of them do not vitiate the election where voting booths are provided but are not used or are inadequate in shielding the voter from observation.

A Texas court, in the case of *Altgelt* v. *Callaghan* (144 S. W. 1166, 1171), had this to say:

The provision of the law in regard to voting booths is for the purpose of obtaining secrecy of the ballot and is peculiarly for the benefit of the voter, and while the law in regard to the voters preparing their ballots in the booth should be enforced, the failure to do so would not invalidate the votes of those not using the booths.

Following the same decision, the Kentucky court, in the case of *Felts* v. *Edwards* (S. W. 145, 150), reported in 1918, and, in accord, the case of *Fullerton* v. *Smizer* (213 N. W., South Dakota), reported in 1927, it was said:

The weight of authority is to the effect that, if the election officers fail to provide booths which, in their construction, comply with the requirements of the law, it does not render the election void * * * hence in the present instant * * * the mere fact that the booths were not provided with a door or curtain does not vitiate the entire poll.

The reliance of the majority report on the provisions of the constitution of New Mexico for a secret ballot and on the fact that the statute prescribes and gives to election officials a mandatory duty to supply voting booths does not change the ultimate conclusion. In Alabama, Kentucky, Louisiana, Missouri, and Texas there is a similar constitutional provision for a secret ballot, the statute using mandatory terms in describing the duties of the designated officials in providing for voting booths. The courts of those States have refused to vitiate elections when voting booths had not been used in an election. Therefore, in my view, the failure of an election official to provide, or of a voter to use, a voting booth does not automatically result in a lack of secrecy of the ballot.

The secrecy of the ballot applies to the contents of the ballot. Only the voluntary exposure of the contents of the ballot by the actions of the voter himself, and not the failure of the election officials to comply with the regulations, invalidates the ballot, under the law of the State of New Mexico.

Mr. POTTER. Mr. President, will the distinguished Senator yield?

Mr. HENNINGS. I yield.

Mr. POTTER. If a voter is forced to vote in a place where there are no voting booths, how can it be determined whether his ballot has been exposed to other persons?

Mr. HENNINGS. Of course, the presumption is, as I assume the Senator from Michigan would agree, that a qualified voter who casts his ballot legally and secretly votes in secret as to the contents. The Senator from Michigan is well aware that I can place a ballot alongside me in this wise and mark it within the observation of the Senator from Michigan, but still it would be a secret ballot. It might require exceptional eyesight or a telescopic lens to observe me voting at this desk, but still the distinguished Senator from Michigan would not be aware of how I was voting even though he might be aware and might observe that I was marking my ballot.

So the important point, if I might suggest it, is whether a ballot was, in fact, secret. In undertaking to say that a ballot cast was not a secret ballot, because no booths were provided in a given place of voting, as in this case, whether the terminology be "voting division" or "precinct," and to say that that would disfranchise all the voters of that division or precinct, and, in turn, undertake to disfranchise 80,000 voters of the State of New Mexico, seems to fly in the face of the well-established fact that a vote cast is presumed to be a legal vote and is subject to being overturned, certainly subject to having that presumption set aside only by competent evidence. I know of no provision of law anywhere which does not sustain that general premise. I think it is very elementary.

Mr. POTTER. Mr. President, will the Senator yield further?

Mr. HENNINGS. I am very glad to yield.

Mr. POTTER. When an opportunity is not present for a voter to cast his ballot in secret, his vote, as I said before, is clouded, whether it was exposed or not. The distinguished Senator from Missouri recognizes the fact that in most States, when a person is required to vote in a schoolroom having many desks, and with other persons milling around, it is impossible for him to be certain that anyone has not seen his ballot. I think the report contains evidence that many voters voted under conditions of that kind, in which they were not certain as to who saw their ballots.

I may say to the distinguished Senator from Missouri that I regret that ballots of this kind would have to be thrown out. But, by the same token, when one of the cornerstones of our foreign policy is to secure free elections by means of secret ballot in eastern Germany, and other places throughout the world, we cannot sweep this condition under the rug and simply say that in New Mexico it has been done for years, that we are certain no one saw the ballots; and that if they were seen, it did not make any difference.

I should much rather see the voters in this particular election in New Mexico be disfranchised in an effort to have the election standards raised to the position which is being required of foreign countries as a cornerstone of our foreign policy.

Mr. HENNINGS. I certainly concur emphatically in all the distinguished Senator from Michigan has said about free elections in Western Germany and about our foreign policy. As I said before the Senator from Michigan came to the floor, I would not for a moment suggest that the United States Senate should condone fraud; or that Senators on either side of the aisle should give their approval lightheartedly to brushing aside vote stealing or thievery in an election. But I wish to make a suggestion, and then I shall have to be asked to be excused from yielding further until I have laid down several premises.

Mr. POTTER. I shall be happy to hear the Senator's premises.

Mr. HENNINGS. I should like to have the Senator from Michigan think about this, because I believe he desires to be

fair and objective; indeed, I know he does. I know he does not want to judge the election by a yardstick he would not wish to have applied to his own election or to that of any other Member of the Senate.

The Senator has suggested, in the first place, that it would be better to disfranchise many persons in the whole State, as in the case of the election of a United States Senator, in order to establish purity in elections. I do not wish to be cynical, nor do I want to seem, even by import or implication, to suggest that a little bit of fraud or a little bit of thievery does not amount to anything. But I say that in every State of the Union which I know anything about, there are, in some instances, instructions to officials of the election to comply with certain specific duties, some of which may be made mandatory by statute, others being simply regulations for the election.

I know that in my own State, if the Senator from Michigan will bear with a personal reference, in one county, which has been overwhelmingly for one party or the other, candidates for the other party are not nominated for the general election. So after the primary, so far as the people of that county are concerned, the election is over. I know that in the election of 1950, the voting precincts in one county in my State were not even opened. The people could not have voted if they had desired to do so.

By the same reasoning, would the Senator from Michigan suggest that because all the people of that county were deprived of voting by the failure of the election officials to open the polling places, all the people of that State should be disfranchised?

To follow up, and to go beyond that point, the figure 80,000 for some reason, seems to have a certain magic in this case. I should like to talk about that a little later.

I think where the Senator and I must part company is on the general proposition that the voter should be neither disfranchised nor penalized because of the failure of election officials. I cannot emphasize that point too strongly, because it is really the burden and probably the central issue of this debate.

The distinction between responsibilities imposed upon voters and those imposed upon officials of an election by statute is important, because such responsibilities involve different consequences.

In the case of Telles against Carter, a New Mexico case, the New Mexico Supreme Court held that the voter is charged with a strict performance of those duties which the law requires of him. The Senator will remember that was the case where the voter used the tick mark instead of the crossmark, as I recall it. That was an action on the part of the voter; he had the responsibility.

In the case of *Valdez* v. *Herrera* (48 New Mexico 45), a 1944 case, the same court in New Mexico held that—

> The voter shall not be deprived of his rights as an elector either by fraud or the mistake of the election officers if it is possible to prevent it.

As the present occupant of the chair knows, American Jurisprudence is a standard text on this and other legal matters. The general rule I just referred to is stated in American Jurisprudence in the following words:

> It may, therefore, be stated as a general rule that if ballots are cast by voters who are, at the time, qualified to cast them and who have done all on their part that the law requires of voters, to make their voting effective, an erroneous or even unlawful handling of the ballots by the election officers charged with such responsibility will not be held to disfranchise such voters by throwing out their votes on account of erroneous procedure had solely by the election officers, provided the votes are legal votes in their inception and are still capable of being given proper effect as such.

The Supreme Court of New Mexico has gone on record as being extremely reluctant to disfranchise voters, stating:

> Where any reasonable construction of the statute can be found which will avoid such a result, the courts should and will favor it.

The Legislature of New Mexico has recognized the distinction between the duties of the voters and those of the election officials, for, though the election code does not contain any provision invalidating the voter's ballot for derelictions of election officials, it does provide for invalidating the voter's ballot when he fails to use an indelible pencil or pen and ink when he marks the ballot, or when the voter voluntarily exposes the contents of his ballot. In both instances, if the voter loses his vote, it is by his own act and not by the act of the officials of the election.

In other words, it is inimical to and contrary to public policy; it does violence to our general concept and understanding of freedom, in terms of the right of every person who is qualified to cast his ballot and have it counted, to disfranchise and throw out, in wholesale numbers, the votes of citizens of New Mexico or any other State. In many States, it must be conceded, the officials of the election do not minutely and in all particulars comply with the statutory requirements regulating their actions. Mr. President, such a conception is basic in the consideration of the case now before the Senate.

My learned friend, the Senator from Michigan [Mr. POTTER], has suggested that we should disfranchise such voters, because, as has been suggested, although such events have occurred in the past, nothing ever seems to be done about them, and now is the time to start, and we should start upon Senator DENNIS CHAVEZ, a man with 24 years of honorable service in the Congress of the United States.

I know that headlines appeal to a certain kind of judge when a defendant comes before his court in a police, traffic, or any other kind of case involving a violation of the law, and that the noble judge, in his majesty, rises from the bench and says, "I am going to make an example of you." We all know such mountebanks. We all know such men who wear robes but are not qualified to sit in a judicial capacity. Is the Senate, which is sitting in judgment upon the election of one of its Members, going to start to set things right in the State of New Mexico by making an example of DENNIS CHAVEZ?

I do not for a moment wish to be invidious or to engage in an attack upon any person who bears any relationship whatever to this contest, but let us for a moment turn our attention to General Hurley; and I say this with all respect to General Hurley. General Hurley had three times previously been a candidate in the State of New Mexico for election to the United States Senate. General Hurley had voted in the State of New Mexico. He lived in that State. I assume he was acquainted with the customs and the usages and the mores of that State as they pertained to the election machinery and procedures. General Hurley certainly must have known about such matters. He voted on that day. I do not know whether General Hurley voted in one of the voting divisions or precincts in which all the people voting were disfranchised or not. I do not know whether General Hurley's vote was counted as cast or not. I hope General Hurley was not disfranchised on that day, November 4, 1952, which was not too happy a day for him. Whether he was or not disfranchised, General Hurley had every right, had he been deeply disturbed about the lack of adequate voting booths, to do something about it. It all depends on what we mean by adequate. The term does not seem susceptible of an accurate definition. One booth may be adequate at certain times. Two booths may be adequate at another time. At certain times of the day when people vote, no booth may be required. Ten people may require no booth and still have secrecy, in fact and in effect, in casting their ballots.

General Hurley is well aware, as a distinguished lawyer and an experienced candidate, that the right of mandamus exists. If the good general was disturbed, for fear that the fount of the election machinery or the election process might be tainted by the failure of some of the election officials to supply certain voting booths, he certainly knew how to find his way to the courthouse. He well knew how to bring a mandamus proceeding against the commissioners in charge of the respective and several polling places. He well knew that if under the law they had the duty and obligation to supply certain of the paraphernalia and machinery with which to conduct an election, their performance of that duty could be enforced by mandamusing the officials having that duty to perform, and by thus compelling them to comply with the law. But the good general apparently had tolerated that condition for some time.

Mr. President, I wish it distinctly understood that if this matter related to fraud or to an established and provable misdoing or improper action on the part of the election officials, and if Senator CHAVEZ had anything to do with the failure on the part of the officials to comply with the law, and if he had entered into a conspiracy or confederation to frustrate and defeat the right of the people of New Mexico to express their free will by having their votes cast and counted on that day, then, I would say, in that

event—and only in that event—General Hurley would have no duty whatever to act under the interpretation of the majority report. But under that interpretation, and according to the principle and premise laid down by the majority in its report, General Hurley and any and all other citizens who failed to take the proper steps by way of mandamus or by insisting upon full and rigid compliance by the election officials with the statute, were by the same token and by the same failure subject to suffering, and did in fact suffer, ultimate disfranchisement because of the failure of the election officials to provide the voting booths of which so much is made in connection with the case before the Senate.

Mr. CHAVEZ. Mr. President, will the Senator from Missouri permit me to interrupt for one moment?

The PRESIDING OFFICER (Mr. JENNER in the chair). Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. HENNINGS. I am very glad to yield to the distinguished Senator from New Mexico.

Mr. CHAVEZ. Along the line suggested by the Senator from Missouri, let me call both his attention and the attention of all other Members of the Senate, and also the attention of the members of the staff, to the fact that the largest county in New Mexico is Bernalillo County. The election machinery there was in the hands of the political friends of my opponent. Two-thirds of the 1,300 and more election judges in that county were Republicans. So General Hurley did not even have to get a mandamus. He could have complained to the election officials of the county, and could have insisted upon full compliance with the law. All the election machinery there was in the hands of the Republicans. The ones who were to furnish the funds with which to provide either the booths or the compartments, or whatever they may be called under the New Mexico law, were Republicans. Those booths or compartments had to be furnished by the Republican officials.

Mr. HENNINGS. I thank the Senator from New Mexico for his observation. The minority views so state, and make the interesting observation that it was Bernalillo County where the party of the contestant, General Hurley, had control of the election machinery; and it was in that county that General Hurley suggested the recount and investigation start.

Mr. POTTER. Mr. President, will the distinguished Senator from Missouri yield at this point?

Mr. HENNINGS. I am glad to yield.

Mr. POTTER. I grant that the election machinery of Bernalillo County was in the hands of the Republicans; but if wrongdoing were done in counties where Republicans were in charge, that was all the more reason for making the investigation. Who was in charge makes no difference, certainly.

I wish to state that, as I am sure the distinguished Senator from Missouri knows, my position regarding the entire proceeding has been not to consider it a personality contest between Senator CHAVEZ and General Hurley. Of course, I have a high regard for Senator CHAVEZ. But we were charged with the responsibility of determining who won the election in New Mexico. I can frankly and honestly state that, based upon the facts before our subcommittee, I do not actually know who won the election. That is the reason for our report.

The question whether the holding of a new election would be to the advantage or disadvantage of the Republican candidate, or whether it would be to the advantage or disadvantage of the Republican organization, makes no difference, and made no difference, so far as I was concerned.

Mr. HENNINGS. For example, Mr. President, much has been said about the burning of ballots. Before we proceed further, I should like to observe that it has been suggested that Judge Scoggin issued an order to burn the ballots in the three counties which comprised the district.

The distinguished chairman of the subcommittee made much of the point that that judge had acted corruptly, and that doubtless he had acted from motives which were, to understate the matter, impure and ignoble. However, I am sure the Senator from Michigan will remember that the fact is that the three counties in which the ballots were burned, and about which so much is made—we are told they were under the dominion and control of Republican officials; I refer to the three counties under the dominion and control of that judge, who is said by some to have been a villain and a disrupter of the peace—were carried by General Hurley by approximately 57 votes, if my memory serves me correctly. So General Hurley carried the counties about which it is intimated that an attempt was made to conceal something apparently for the benefit of Senator CHAVEZ.

It would seem to strain understanding and reason to be asked to believe that a man who had control of the situation, and who, I understand is a political enemy of Senator CHAVEZ—I do not know whether that is true, but regardless of that—would wish to conceal something, by means of burning the ballots, when Senator CHAVEZ' opponent had provided all the election machinery in the three counties.

Mr. POTTER. If the distinguished Senator from Missouri will yield to me at this point, let me say that in connection with the fact that the ballots were burned illegally, the question of whether the burning of the ballots benefited Senator CHAVEZ or benefited General Hurley is beside the point.

Mr. HENNINGS. Of course, the ballots should not have been burned. Let me say I never met the judge, and do not know him; but certainly he should not have burned the ballots. I certainly agree as to that.

Mr. POTTER. Certainly. It is beside the point whether the advantage was with one candidate or the other.

Mr. HENNINGS. No; it is not beside the point when hundreds of thousands of voters are disfranchised in a State in a free election. I respectfully say that that is not beside the point.

Mr. POTTER. I say it is beside the point whether one or the other candidate might be favored. The Senator from Missouri referred to the fact that certain ballots were burned in counties where General Hurley had an advantage. To me it is beside the point whether General Hurley had the advantage there or whether Senator CHAVEZ had the advantage. The fact is that the ballots were burned illegally, which I am sure the Senator from Missouri will admit.

Mr. HENNINGS. Is the Senator suggesting that Senator CHAVEZ had anything to do with the burning of the ballots?

Mr. POTTER. I never so intimated; and the Senator knows it.

Mr. HENNINGS. I am sure the Senator from Michigan did not. I wish to make it very clear that there is no suggestion whatever to that effect. My question was rhetorical, and was not intended to suggest, by implication, that the Senator from Michigan meant to involve the Senator from New Mexico. I wish to make it very clear now that Senator CHAVEZ certainly had no connection whatever with the burning of the ballots.

Mr. POTTER. I am in full accord with that statement.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. HENNINGS. I yield.

Mr. CHAVEZ. Let me emphasize this point to my friend from Michigan: The Senate can do with me as it pleases; the Senate can throw me out if it so desires. I have not talked with the person referred to in 12 years. I did not know any more about the burning of those ballots than did the Senator from Michigan. Why should I be responsible?

Mr. POTTER. I am convinced that the distinguished Senator from New Mexico had no knowledge of it. The point I am making is this: The Senator from Missouri made the statement that there were certain counties in which ballots had been burned, and in which General Hurley had an advantage. So far as the Senator from Michigan is concerned, this is not a contest between Senator CHAVEZ and General Hurley. I was charged with an unfortunate duty, as was the Senator from Missouri.

Mr. HENNINGS. May I ask the Senator if he knows of any Senator who has ever applied for membership on the Subcommittee on Privileges and Elections?

Mr. POTTER. The first vacancy that comes along on our side will be mine.

Mr. HENNINGS. The presence of the Senator from Michigan on any committee is always an asset. There is always a bright and rewarding side to any enterprise. The Senator from Michigan is well aware that this is one of the meanest, most unrewarding obligations or undertakings which could be imposed on a Member of this body and the most likely to be misunderstood.

Much was said about the appropriation. The majority requested $160,000 last August. Some of us on the minority side thought there should be no appropriation, but rather than have it charged that the investigation was abortive or prematurely ended because of

failure of funds, we agreed to an appropriation of $37,500. I am sure the Senator from Michigan knows that there are many who are wiser than I who concluded that my agreeing to that appropriation was an act of probably the greatest apostasy and treason to my party and to Senator CHAVEZ. I was severely criticized. There are always those on the street corners and in other places outside the courtroom who can try one's case better than he can. The only difference is that they can luxuriate in irresponsibility. They do not have the decision to make.

We did not want it to be even suggested that this contest had been frustrated and terminated because of failure of funds, so we spent almost a quarter of a million dollars in an effort to establish what the distinguished Senator from Michigan has just suggested has not been established, that is to say, whether either Senator CHAVEZ or General Hurley was elected.

I wonder whether the Senator from Michigan knows what the boys have been up to during his absence from the floor today—which I am sure was with good reason. Does my friend from Michigan know that the committee has come forth with an amendment to the resolution originally reported, changing the purport and tenor of its report? Does he know that we are now proposing to direct the Governor of New Mexico not to appoint anyone in conformity with the law of the State, and to direct the Governor of New Mexico to fail to perform his duty as provided by the Constitution of the United States and the law of New Mexico, so that there will be no Senator in that seat until some time in the hereafter, whenever that may be, when the Senate decides that it may want the seat filled by a person who is persona grata in this august body. I do not know whether or not the Senator is aware that apparently the objectives have been changed somewhat since last night.

Mr. POTTER. If the distinguished Senator will yield, he mentioned the fact that I had been absent from the Chamber.

Mr. HENNINGS. I know the Senator has been very busy in committee. I did not mean to suggest that he was absent for any reason other than duty. But I did not know whether he was aware that a little patching up had been done since last night.

Mr. POTTER. Yes. I understand that the resolution as proposed to be amended provides no appointment shall be made until the next general election, when the free will of the people of New Mexico can be expressed. I think that is a fair and equitable amendment. Certainly there can be no charge of politics in that connection. With the Senate so closely divided as it is, if the majority wished to be partisan in this matter it certainly would be honored to have a Republican appointment made by a Republican Governor.

Mr. HENNINGS. Does the Senator believe that the Governor was really elected?

Mr. POTTER. The Governor was elected under the same election system as was the senior Senator from New Mexico. That is one of the reasons for the amendment.

Mr. HENNINGS. Then why waste our time addressing ourselves to a Governor who was not really elected?

Mr. POTTER. Because it so happens that the Senate has all it can do to judge the election and qualification of its own Members, without judging the election of every governor in all the 48 States.

Mr. HENNINGS. The Senator is well aware that two Members of the House of Representatives were elected in the same election. Their election has not been contested.

Mr. POTTER. I may add that that is a job for the House of Representatives.

Mr. HENNINGS. The Senator is well aware that General Hurley submitted a petition for a recount in the State, and that the board of recount was presided over by the distinguished Governor of the State. After the State recount it was found and declared not only that Senator DENNIS CHAVEZ was elected but that his majority was increased. The Senator is aware of that, is he not?

Mr. POTTER. Yes. I am aware of the fact that a physical recount of ballots was made by checking the ballots, but no effort was made to go behind the ballots to determine whether they were voted in secret, whether they were fraudulently altered, and whether affidavits of assistance were in proper form. There was only a physical recount of the ballots. Irrespective of that fact, that was not the duty of the committee. Our responsibility was to determine, as best we could, who won the election for the office of United States Senator from the State of New Mexico. I am very frank to state to the Senator from Missouri that, because of the flagrant irregularities in handling election procedures in the State of New Mexico, it is impossible to determine the actual winner of that election.

Mr. CLEMENTS rose.

Mr. HENNINGS. Mr. President, I should like to proceed, if I may, and complete my statement. Apparently I shall never get through.

Mr. CLEMENTS. Mr. President, will the Senator yield?

Mr. HENNINGS. I am trying to yield freely to Senators, in order to develop the points. I wish to be as generous as possible with the time allotted to me, because I believe that frequently more can be gained by interrogation than by stump speeches or jury speeches.

The PRESIDING OFFICER. Does the Senator from Missouri yield; and if so, to whom?

Mr. HENNINGS. Does the Senator from Michigan wish me to yield further to him?

Mr. POTTER. No. I thank the Senator.

Mr. HENNINGS. I yield to the Senator from Kentucky.

Mr. CLEMENTS. I assure the Senator that there will not be a long-drawn-out colloquy.

I understood the Senator from Missouri to say that nearly a quarter of a million dollars had been expended on the election-contest case.

Mr. HENNINGS. The chairman of the committee says a little less than $200,000. The Senator from Arizona [Mr. HAYDEN], a member of the Committee on Rules and Administration, checked at the disbursing office last week, and, according to the information he received, the amount is $206,000.

We can calculate it one way or the other, but it is in that neighborhood.

Mr. CLEMENTS. It is more than $200,000, as I understand.

Mr. HENNINGS. Not counting, of course, what the contestant and contestee may have spent from personal funds, or what may have been contributed by others. We are speaking about public money.

Mr. CLEMENTS. Yes, public money. I understood the Senator from Michigan to refer in the colloquy with the Senator from Missouri to the recounts which were made in the various counties in New Mexico in which the $200,000 was spent. I should like to ask the Senator from Missouri whether in any one of the counties the count was completed?

Mr. HENNINGS. No; the minority views undertake to point out that according to the rules of the contest and after the expenditure of almost a quarter of a million dollars, the recount was not completed in any county of the State.

Mr. WELKER. Mr. President, will the Senator yield?

Mr. HENNINGS. I yield to the Senator from Idaho.

Mr. WELKER. I have listened with interest to my distinguished colleague from Missouri. I notice that he is now bringing up the subject of the amount of money which has been spent on the investigation. I rather regret that he has injected that subject into the discussion, because up to this point he has been making a very able legal argument.

Mr. HENNINGS. I was asked the question.

Mr. WELKER. Is it not a fact that since the Senator from Missouri has taken office as a Senator more money has been spent on other election investigations than on this one?

Mr. HENNINGS. My information is, I may say to the Senator from Idaho—and I have not individually checked the figures, although I have asked that they be checked—that this is by far the most expensive investigation which has ever been conducted by the Senate. If I am in error, I shall be very glad to stand corrected.

Mr. POTTER. How much did the so-called McCarthy investigation cost? Is the Senator in possession of that information?

Mr. HENNINGS. I do not know; but I shall find out.

Mr. POTTER. Will the Senator try to find out?

Mr. HENNINGS. I shall try to obtain the exact figure.

Mr. WELKER. I recall that my distinguished colleague the Senator from Wyoming used a much larger figure with respect to the Maryland investigation.

Mr. HENNINGS. There were two Maryland investigations. One was the

O'Conor case and the other was the John Butler case.

Mr. WELKER. That is correct. I am sure the Senator wishes to keep the discussion on a high legal plane.

Mr. HENNINGS. Yes; I do.

Mr. WELKER. I regret that the subject of money has come into the discussion. There is much more involved in this case than money, so far as I am concerned.

Mr. HENNINGS. I am in most sympathetic agreement with that statement of the Senator from Idaho. I do not have before me the figures in this election contest. I have asked that they be checked, not for comparison purposes but because of the failure to establish whether anyone was elected and to complete the count in the several counties.

I may say to the distinguished Senator from Idaho I believe that if a job needs to be done, it should be done well, and that the necessary money required should be spent in order to do it. That is why I voted for an additional appropriation on the first day of this session, and I recommended to the Democratic Policy Committee that an additional amount be appropriated, and the committee recommended the appropriation of an additional $37,500, with the understanding that the subcommittee go to New Mexico and wind up this matter. That was the understanding, and I say without any fear of successful contradiction that was the understanding of all who participated, including the majority leader, the minority leader, the distinguished Senator from Michigan [Mr. POTTER], the Senator from Kentucky [Mr. CLEMENTS], and at various times other Senators who had an interest in the subject.

There was no disposition on the part of the minority to abort and cut short a reasonable investigation, which had been proceeding for many months. It started some time in February and continued through August, and the investigators had spent a considerable sum of money, but we went along and agreed, without making an issue of it. We concurred in the general understanding. In furtherance of that understanding the Senate voted to appropriate an additional $37,500.

Of course, there has been considerable discussion of the point that on November 4, 1952, the people of New Mexico did elect two Republican electors for President and Vice President, and that the people of New Mexico did elect a Republican Governor, although apparently my friends of the majority do not want him to exercise his prerogatives under the laws of New Mexico. The Senate is apparently the only body from which has emanated even a suggestion so far that the Governor does not hold his office as Governor as the result of a proper and honest election, and that certain restrictions and restraints should be placed upon him by saying that we do not believe he should appoint anyone if the Senate should vote to unseat Senator CHAVEZ. Although the people of New Mexico may think he is their Governor, they are nevertheless laboring under a sad delusion, because the United States Senate, in all its pompous majesty, its omniscience, and great wisdom, has concluded there may be some question with respect to the election of the Governor of New Mexico, and perhaps also the election of sheriffs in all the counties, and all the other officials who dared seek an office below the high and exalted rank of Senator.

By the same philosophy and general notion of procedure, Mr. President, we would seem to be saying at this late date, by implication, certainly, by the adoption of the amendment offered by the Senator from Oregon [Mr. CORDON]—which seems to have met with wide favor at this eleventh hour by the members of the Subcommittee on Privileges and Elections and by a majority of the Committee on Rules and Administration, and by other Senators—that not only was the senatorial election a nullity but that no one in New Mexico holding any office as a result of the election of 1952, from governor down, has any right to hold his office, because we believe the people of New Mexico do not know how to conduct their elections in a legal manner, that they are not quite so honest, not quite so intelligent, perhaps, not quite so forthright, and not quite so American as are the people of other States, since they do not seem to know how to insist upon the enforcement of the details of the provisions of the election machinery by the officials of the election. We are so proposing to decide here and now that we will disfranchise all the people of that State insofar as their right to have a United States Senator of their choosing is concerned, because investigators have drawn the conclusion, not supported by fact or by law, that there was in fact something wrong with that election.

We seem to forget that following the election of November 1952 the FBI, acting on complaint of General Hurley, conducted an intensive investigation into alleged fraud and irregularities in the New Mexico election. At one time or other, every FBI agent in the State of New Mexico participated in the investigation. Following the investigation by the FBI—and it was a searching and intensive one—no evidence was ever presented to any United States attorney or to any grand jury.

Mr. POTTER. Mr. President, will the Senator yield?

Mr. HENNINGS. I should like to yield later. I hope the Senator from Michigan will bear with me. Earlier today, when the chairman of the subcommittee made his statement I refrained asking him questions because he had asked that he be permitted to complete his statement. I am not reproving my friend from Michigan. I would ask, however, that after he has asked his question he let me lay down certain essential propositions, following which I shall be very happy to yield to him again.

Mr. POTTER. I shall be happy to do so.

Mr. HENNINGS. Does the Senator from Michigan wish to ask his question while it is in his mind? If so, I shall be happy to yield to him.

Mr. POTTER. It is my understanding that a grand jury will sit next week. It has been called for next week as the result of the investigation of the FBI. I do not know whether the Senator from Missouri has been informed of that fact.

Mr. HENNINGS. No; the Senator from Missouri has not been informed of that fact. The investigation was made about a year and 3 months ago. I am advised now that a grand jury is about to be called. Have not other grand juries been sitting in New Mexico during all these months?

Mr. POTTER. I do not know.

Mr. CHAVEZ. Mr. President, we have had a grand jury and we have had a new district attorney appointed, and new United States marshals and other officials also have been appointed.

Mr. HENNINGS. Mr. President, I am informed that a grand jury, a United States attorney, a United States marshal, and all the other necessary officials were appointed a year ago this month.

Furthermore, I am sure the Senator from Michigan will remember that the Attorney General of New Mexico stipulated during the investigation by the Senate committee that any evidence of fraudulent voting or violation of the State election laws, if any of those things should be found, was to be given to the attorney general of the State for the purpose of indictment and prosecution. To this day, Mr. President, no evidence has been given to any duly empowered prosecuting official of the State of New Mexico by the chief counsel of the committee or by anyone else. The chief counsel for the subcommittee held a number of press conferences, and, according to newspaper accounts, some clippings of which I have, the chief counsel stated that many instances of law violation and fraud had been discovered by the subcommittee. Although the Attorney General pressed the chief counsel, the chief counsel, when so pressed, failed to produce any evidence whatsoever. A special grand jury was convened in Bernalillo County, which county contains 25 percent of the population of the State, but that special grand jury was convened and discharged without any evidence whatever being presented to it.

The investigation by the subcommittee required more than 13 months, Mr. President. All that time has been spent in an attempt to establish the truth of General Hurley's allegations. It would seem to have been agreed at the outset that the largest county in the State was to be investigated and votes were to be recounted as a test. It was certainly the understanding of the minority members that that was to be done before we embarked on an effort to count all the ballots in the State.

After 13 months, in spite of the money which has been spent, we have not been able to complete any count. The plain fact is that the recount in Bernalillo County, the so-called test or pilot county, was never completed. I have made many errors in my life, and I may have made one in this instance, but it was my understanding that we were to see what Bernalillo County produced by way of fraud or whether there was any substantial change in the recount. Bernalillo County was suggested by General Hurley as the county which he wanted first examined. It seemed to me, as I talked

with other members of the committee at the time, that we were in agreement, and it would be certainly the part of economy and prudence to examine a test county to see what we could find, and that if we found nothing of significance, perhaps the allegations of General Hurley's complaint or petition might conceivably have been overstated. I do not mean to impute any bad faith on his part. I do not impute bad faith or bad motives to anyone. I leave that unpleasant undertaking to others. But it would seem passing strange, would it not, Mr. President, to embark upon an examination of the whole State and say, "We are going to count every ballot in New Mexico"? If that was the original intention, we have consumed 13 months' time and have not completed 1 county.

I think it is a fair inference that we were trying to find something, that this was an expedition into New Mexico for the purpose of establishing or buttressing certain claims or allegations of fact. This is called sometimes a fishing expedition. We went into many other counties of the State of New Mexico. The chief counsel and his staff went about in sporadic forays throughout the State and employed techniques and procedures which, in my judgment, did not reflect credit on the United States Senate. The assumptions of authority in many instances were unwarranted, and, in my opinion, were an affront to the peace and dignity of the State and to its people.

The exertions of these representatives of a Senate subcommittee in their futile attempts to find conspiracy, fraud, and vote stealing, where their prior experience had shown there was none to be found, will remain as a sad chapter in the history of the State, that can redound only to the discredit of the United States Senate.

Except for Bernalillo County, which was, under the subcommittee rules, the first county to be investigated, the chief counsel and his staff made their investigation only in those counties where Senator CHAVEZ made his strongest showing. They left undisturbed the counties in which General Hurley showed his greatest strength. Only 56 voters testified before the Senate subcommittee, and their testimony was not competent to impeach their votes. The court held in the case of *Carrabajal* v. *Lucero* (22 N. M. 30, 158 Pacific, 1088):

> The evidence of a voter as to how he voted at an election is incompetent in a contested election case, in the absence of proof establishing fraud or corruption on the part of the election official, sufficient to invalidate the election returns of the original ballots.

No evidence of fraud or corruption by the election officials in New Mexico was introduced prior to the taking of the testimony of the 56 voters. Furthermore only 19 voters testified that they had voted for a candidate for the United States Senate in the 1952 election. Their testimony indicated a net difference of one vote. No other testimony was ever given before the Senate subcommittee.

My examination of the majority report establishes that the report is based on—

First. Flagrant omissions from and misquotations of the New Mexico election code.

Second. Misstatement of facts.

Third. Misconstructions of law.

Fourth. The use of innuendo in place of fact.

Fifth. Specious reasoning and illogical conclusions.

Sixth. Disproportionate emphasis on and distortion of inconsequential details in support of unwarranted generalizations.

The minority views undertake to establish, by specific instances, discussion, and argument, the generalizations and the general premises I have just stated.

I believe that under the procedure followed, the chief counsel of the subcommittee usurped the functions of the subcommittee on numerous occasions, and that the majority report principally reflects biased ex parte findings of fact, not evidence presented before the subcommittee of the United States Senate.

Certain conclusions seem to be inevitable. I have undertaken to set them forth in the minority views.

The minority views have established that there is no legal or moral basis for the recommendation of the majority that "no Member of the Senate was elected from the State of New Mexico in the 1952 general election."

If the United States Senate adopts the majority report, it will, for the first time in the history of the Senate, vote to expel a duly elected United States Senator against whom no charge or suggestion of election fraud or irregularity has been made.

The minority member of the subcommittee, in his report and in part of the argument this afternoon, has shown that:

First, the majority report would disfranchise all the voters of the State of New Mexico with respect to the senatorial election of 1952.

Second, the allegations of fraud committed by election officials contained in the majority report are not substantiated by competent, legal, probative evidence.

Third, the majority report misquotes and misconstrues the New Mexico election code.

Fourth, the conclusions contained in the report are not supported by the facts or the law, but are based on misstatements of fact and misconstructions of law, on innuendo, unwarranted conclusions, and specious reasoning, and, at times, upon devious reasoning.

Fifth, the chief counsel improperly usurped and preempted the functions of the subcommittee, and the majority recommendations are the result not of objective committee consideration but of biased and unsupported claims of the chief counsel.

Over and beyond all of these considerations, the minority member points to the incongruous effect of the majority recommendation. The report, if adopted, would have the effect of voiding the election of November 4, 1952, for United States Senator from the State of New Mexico. As a corollary of that, if the report should be adopted, the Governor of New Mexico would have the duty, under the Constitution of the United States and the laws of his own State, to appoint a Senator to succeed Senator CHAVEZ. The United States Senate would, by this step, compound injustice by requiring the Republican Governor—the Governor who was chosen at the same election under the same conditions and circumstances, and by the same voters whom the majority now seeks to disfranchise—to name a successor to Senator CHAVEZ.

I reiterate, this is the Governor who not only was chosen in the same election, but who also was chairman of the State Canvassing Board which conducted a recount at the request of the contestant, General Hurley, and declared, as the result of its findings, that Senator CHAVEZ was the duly elected Senator from the State of New Mexico by an even greater majority than had been certified on November 4, 1952.

If the Senate adopts the majority report, it would in principle, if not in effect, nullify the election of New Mexico's Republican Governor, and would void the election of Republican Presidential Electors.

The majority recommendations, if adopted, would violate the spirit of the Constitution of the United States. Our Constitution is a sacred covenant between our people and their Government. The courts of our land have zealously guarded the right of the individual to exercise his franchise and to have his vote counted as it is cast. Under no interpretation or theory of law can a voter be disfranchised because of the failure of election officials to comply in all respects with all the legal provisions regulating their duties and conduct as officials of an election. Consonant with the established principle of government under our Constitution, and consistent with the laws of their own State, is the right of the citizens of New Mexico who voted in the general election of November 4, 1952, to have their votes counted as they were cast. This is a paramount right that cannot be denied, and to attempt to defeat the right to vote under the guise of protecting it is an absurdity.

UPPER COLORADO RIVER STORAGE PROJECT

Mr. WATKINS. Mr. President, it is my pleasure today to report to the Senate an historic event of extreme significance. The event was President Eisenhower's action Saturday, giving blanket approval to the upper Colorado River storage project, and making that vital project a part of the administration program.

This action is historic in that the present administration is placing itself firmly behind a modernized version of the Nation's reclamation program first launched nearly a half century ago by another great President, Theodore Roosevelt.

It seems appropriate to point out that this action effectively answers critics of

the administration's program for reclamation, water, and power development. Some Senators may recall the outrageous statement made by a former high-ranking official to the effect that the new administration would never authorize or attempt to build multiple-use dams and reservoir projects. That ridiculous charge has now been laid low.

The concluding paragraph of the President's statement, which I shall later ask to have printed in the RECORD in its entirety, is as follows:

I hope the Congress will give early consideration to enactment of the administration's legislative proposal. I firmly believe development of the upper Colorado River Basin, in accordance with its provisions, is in the national interest.

The President in his message pointed out that the upper Colorado River storage project is a "comprehensive, well-planned development of a river basin." By endorsing this program, President Eisenhower has gained historic credit for another first in reclamation development. To my knowledge, this is the first comprehensive development of all the water resources of a river basin.

This new approach to reclamation, in a sense, was forced upon supporters of the project and Bureau of Reclamation engineers. Under the Colorado River compact of 1922, and a subsequent treaty with Mexico, the Upper Basin States gave a priority of use for their portions of the waters of the river to the lower basin States and Mexico. No matter what happens, we must see that this reserved water gets downstream. It is a first mortgage on the river before we can safely take out any water for the Upper Basin States under the compact.

Furthermore, when this vitally needed water of the Colorado is made available to the upper basin States it must be obtained from deep canyons and distributed to water users in a drainage area of 110,000 miles, an area larger than New York, Pennsylvania, and New Jersey combined. Portions of four States—Colorado, Utah, Wyoming, and New Mexico—are dependent upon the outcome of this problem for water and power to make possible future economic and population growth.

Because of these complexities, the decision was made to regard this river development as one large project. Senators have heard of Echo Park project, Split Mountain project, and others. These are only units of the overall upper Colorado River storage project.

The comprehensive development of the upper Colorado River Basin contemplates the construction of an interlocking system of dams to be constructed on the tributaries and the main stem of the Colorado River to assure full and complete regulated flow and the maximum advantage. The opponents have directed their attacks at the Echo Park Dam, alleging that construction of Flaming Gorge and Cross Mountain, or multiple other combinations, could do the job without constructing Echo Park Dam within the confines of Dinosaur National Monument. I point out to the Members of the Senate that Flaming Gorge and Cross Mountain, as well as some other recommended alternatives for Echo Park, constitute an integral part of this comprehensive control plan. The dams recommended are necessary to the overall basin development and were selected after consideration of about 250 different sites. The complete project, as approved by the President and the Bureau of the Budget, calls for 2 large storage reservoirs—Glen Canyon and Echo Park—and 12 participating irrigation units. The eventual outlay authorized for the project amounts to about $930 million, including $21 million for recreation development of the Dinosaur National Monument. This sum, if authorized, will be expended over 20 to 40 years, which is the period of time estimated to be required for construction.

While this amount may look large, I desire to point out that this will be a self-liquidating project, completely justifying the President's decision that the development calls for sound financing.

In explanation of the statement that this project is self-liquidating, it would be well to keep in mind that this project is self-liquidating by the residents within the confines of the upper Colorado River Basin. By that I mean the revenue both from irrigation and power will be paid by the residents of those portions of the four Western States comprising the upper Colorado River Basin. We residents will buy the power, and we will use the water, and we will pay the Federal Treasury every penny which it cost to construct this project with interest. We have asked for Federal assistance in the nature of financing the construction of this project, which is beyond our means to otherwise finance. We in the West have, through private enterprise, developed much of our water resource. In fact, we have done all that is humanly possible and, therefore, we now ask assistance from the Federal Government in order to accomplish that which we are helpless to accomplish in any other way.

The heaviest costs of the project arise from the two storage-power units on the main stem. I should like to point out that the storage features of those structures are made necessary by those prior commitments on Colorado River water mentioned previously. It ought to be obvious to everybody now that we will not have any water for irrigation and municipal water supplies unless the upper basin is able to satisfy the people downstream and be able to carry water over from good years to dry years in those mammoth reservoirs. While probably no water will be directly diverted out of those reservoirs, the water backed up by the smaller participating units will be made possible by reason of them. Furthermore, the key big dams of Echo Park and Glen Canyon will supply the bulk of the power revenues required to finance the whole project.

It is for this reason that the President was perfectly sound in his statement that Echo Park and Glen Canyon Dams are key units strategically located to provide the necessary storage of water to make the plan work at its maximum efficiency; and his unqualified endorsement of Echo Park and Glen Canyon is a well-deserved rebuff to another group of critics, the conservationists.

I ask unanimous consent that the President's statement be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I have today approved recommendations for the development of the upper Colorado River Basin.

The general plan upon which these recommendations are based has been prepared by the Secretary of the Interior. The Secretary's recommendations have been reviewed by the Bureau of the Budget. Legislation embodying the administration's recommendations is being prepared for introduction in the Congress.

This is a comprehensive, well-planned development of a river basin. The close Federal-State cooperation upon which the Secretary's plan is based also carries out this administration's approach to water resource development.

The development will conserve water, enabling the region to increase supplies for municipal uses, industrial development, and irrigation. It will develop much-needed electric power.

The development calls for sound financing. The legislation now being drafted will set up a fund for the entire project so that it will be constructed and paid for as a basin program.

Construction of the Echo Park and Glen Canyon Dams, two of the large projects in the basin plan, is recommended. These dams are key units strategically located to provide the necessary storage of water to make the plan work at its maximum efficiency.

The legislation being drafted will authorize a number of projects which will put to use the waters of the upper Colorado. This authorization will become effective following further consideration by the Secretary of the Interior, with the assistance of the Secretary of Agriculture, of the relation of these projects to the wise use and sound development of the basin.

I am deferring my recommendation on the Shiprock unit of the Navajo project until the Secretary has completed his study.

I hope the Congress will give early consideration to enactment of the administration's legislative proposal. I firmly believe development of the upper Colorado River Basin, in accordance with its provisions, is in the national interest.

Mr. WATKINS. Mr. President, the conservationists have viciously attacked plans for construction of the key Echo Park Dam, thereby ignoring the overall plans for the basin development, and disregarding the chief fundamental object of conservationism in the semiarid West. This fundamental purpose, established in the pioneer days of the West, is that water must be the first resource to be conserved if the West is to survive, let alone grow and prosper.

The conservationist opponents should have been the strongest supporters for this great water conservation program, because many of them realize clearly how desperately water is needed in the West, and particularly in the upper basin area.

Alternate sites suggested by these opponents unquestionably would lose from 120,000 to 250,000 acre-feet of water per year more than would be lost to evaporation at the Echo Park Dam site. This means that enough water to supply a city of a half million people would have been lost if the people in that area could have succeeded in leaving Echo

Park out of the project development plans. And there is no way that the water, once lost, can be replaced in that area.

Such opposition is the more deplorable when it is considered that this vital water is saved, and the project is speeded by inclusion of Echo Park, and at little or no loss to those of us who love rugged Western scenery just as much any any so-called conservationists.

A very interesting statement of high literary quality, and highlighted by salty humor, was made by G. E. Untermann, director, Utah Field House of Natural History, Vernal, Utah, at a House hearing on a bill which has for its purpose the authorizing of the upper Colorado River storage project and participating units.

As a sample of what Mr. Untermann is capable of doing, let me read the following from his statement:

Frederick C. Othman generally tries for humor in his syndicated newspaper column. In 1950, when he wrote about the Echo Park Dam and the Dinosaur National Monument hearing before the Secretary of the Interior, he was funnier than even he knew. Listen to this: "On the rocky walls of the river are the footprints of the giants that roamed the jungles in an ancient age. These marks are known as petroglyphs."

In the first place, there are no dinosaur footprints in the monument. In the second place, they wouldn't be going up the sheer canyon walls if there were. And in the third place, a petroglyph isn't a dinosaur footprint in the first place. Petroglyphs are cliff murals of prehistoric Indians. This form of primitive art incised on the sandstone walls of canyons represents for the most part ceremonials and hunting scenes. They have nothing to do with dinosaurs.

Mr. Othman goes on to say that Camarasaurus was the only dinosaur to come from the monument. Actually, there are 12 different types recovered from the world-famous quarry.

It will be interesting to Members of this body to know that Mr. Untermann has lived in the vicinity of Dinosaur National Monument, in eastern Utah, and in the monument itself, since 1919. Periodically, from 1943 to 1946, he was ranger at the monument. Mrs. Untermann, also a geologist, was ranger-naturalist in 1946 and 1947. She has lived in the monument and in the immediate vicinity since 1906. In fact, she was born and raised as Island Park in Dinosaur National Monument. Together, from 1943 to 1948, Mr. and Mrs. Untermann mapped the geology of the entire monument area, consisting of 209,000 acres, and it is the only geological map of the monument in existence.

Those who earnestly seek interesting facts about the Echo Park controversy and who would like to have a factual account, garnished by some real humor, should not fail to read Mr. Untermann's statement.

Mr. President, I ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REALISM AND THE DINOSAUR NATIONAL MONUMENT CONTROVERSY

(By G. E. Untermann, director, Utah Field House of Natural History, Vernal, Utah)

Frederick C. Othman generally tries for humor in his syndicated newspaper column. In 1950 when he wrote about the Echo Park Dam and the Dinosaur National Monument hearing before the Secretary of the Interior he was funnier than even he knew. Listen to this: "On the rocky walls of the river are the footprints of the giants that roamed the jungles in an ancient age. These marks are known as petroglyphs."

In the first place, there are no dinosaur footprints in the monument; in the second place, they wouldn't be going up the sheer canyon walls, if there were; and, in the third place, a petroglyph isn't a dinosaur footprint, in the first place. Petroglyphs are cliff murals of prehistoric Indians. This form of primitive art incised on the sandstone walls of canyons represents for the most part ceremonials and hunting scenes. They have nothing to do with dinosaurs.

Mr. Othman goes on to say that Camarasaurus was the only dinosaur to come from the monument. Actually, there are 12 different types recovered from the world-famous quarry.

I do not cite the above inaccuracies to ridicule Mr. Othman. I mention them to show how irresponsible, misguided, and uninformed some publicity can be and how such misinformation can cause a nationwide protest over something that doesn't amount to a hill of beans.

It is unfortunate that much of the widespread objection of the conservationist and wilderness lover, in this controversy over dams versus dinosaurs, scenery and violated principles, has been of this careless nature.

Congress does not have time to look into the merits of every protest and anguished outcry of the folks back home and has a right to assume that such complaints are based upon more than petulance and poorly authenticated sources of information. When someone sees a bunch of kids in space helmets and starts a nationwide hullabaloo over the heavy and unregulated traffic to Mars and letters and telegrams flood an overworked Congress in protest, Congress in self-defense can only assure the outraged citizenry that such travel will be regulated and will not be permitted at all unless, and until, foot-long hot dogs, Coca-Cola and a comfort station are available at least every 100 miles.

Conservation groups have reluctantly conceded that the dinosaurs are in no danger at the monument as a result of proposed dams. However, this false rumor was once widely broadcast and accepted by the general public as a justifiable reason for opposing the project. The belief still lingers in some quarters and refutation is required almost daily. Rumor is more relentless than truth so that the maligned victim seldom lives down its invidious effect.

Some other claims and charges of the opposition groups have been as baseless and fantastic as the save the dinosaurs movement, and just as misleading. These people are natural-born crusaders who are always ready to "save" anything which they feel is worthy of their best efforts. Having gone off half-cocked with respect to the dinosaurs which they found snug and comfy where they are, they proceeded to come to the valiant defense of western outlaws whom they felt were in danger of historical "liquidation." We were soon to learn that the proposed dams in Dinosaur National Monument would flood such famous bandit hideouts as Hole-in-the-Wall and Robber's Roost. It was quite a shock to these well-meaning saviors when they were informed that Hole-in-the-Wall is in the Powder River country of northern Wyoming, 150 miles away from the monument, and that Robber's Roost is in the San Rafael Swell of Utah, at least 150 miles to the south.

Undaunted by two false starts the "old college try" was given to a great emotional appeal. Someone thought he had figured out a sure-fire protest that wouldn't boomerang. Since the eccentric old hermit, Pat Lynch, had lived in the area now bearing his name, Pat's Hole, it seemed safe to assume that he died there. And if he died there he must be buried there. So we were told, "That surely you wouldn't bury a poor old Irishman under 500 feet of water. Have you no reverence for the dead? Is there nothing sacred to you?" There was great gloom in camp when we informed our friends that Pat wasn't buried in Pat's Hole. In fact, what was worse, he wasn't even buried in the monument. Several years before Pat was called to the Great Beyond, a fellow Irishman by the name of Moran, an early exponent of free private enterprise, chased Pat from the holdings on which he had squatted, with the persuasive muzzle of a 30–30. Pat went to live with the Baker family in Lily Park, 50 miles up the Yampa River, where he was buried, high and dry, in 1917. But even in death the fates were unkind to Pat, for the only other occupant in the burial plot with the old Irish Catholic was a Mason. And adding insult to injury, the Masonic emblem was carved on his neighbor's tombstone. On quiet evenings, when not a breath of air is stirring, the sagebrush growing on these graves can be seen to shake violently, and from this we know that these departed souls still have not reconciled their earthly differences.

With true missionary zeal nearly 200 members of the Sierra Club, in three separate groups, came to Vernal last summer to make the trip through the canyons of Dinosaur National Monument under the guidance of competent river pilots. Their avowed purpose was to enjoy the thrill and excitement of the river run, but a member of the first group spilled the beans by revealing the real purpose. He stepped forward and made the following introduction: "We represent the Sierra Club of California and we have come to Vernal to save Dinosaur National Monument for you people so they won't build those dams in there." "Well," I replied, "that's certainly nice of you, and I'm sure you are prompted by the best of motives, but did it ever occur to you that we might not want to be saved? As it so happens, we don't. We want to be 'dammed.'"

Headlines and pictures in the second section of the Sunday Los Angeles Times, under date of August 30, 1953, clearly showed what the Sierra Club was up to. "Children in Boats Run Utah Rapids. Californians Refute Claim That Wild Green River Is Dangerous," blared the headlines.

The text of the article would lead one to believe that infants kick the slats out of their cribs and cry for a trip down the Green River. That sweet old ladies drop their knitting to man the boats dashing through the canyons. But all these people were passengers, not river runners. A corpse could make the trip if Bus Hatch, ace riverman, wanted to take it through. No ability is required of the passengers other than that they can get in and out of the boats, and if an infirmity prevents this, they can be lifted in and out. While most of the Sierra Clubbers made the entire trip (although the water was the lowest in years), some of them left the river at Island Park or Rainbow, rather than go through Split Mountain Canyon which has a couple of sockdolager rapids. Moonshine, the upper rapid, has had its loss of life, and S. O. B. lower down has shared in disaster. For politeness sake, S. O. B. is pronounced "sob," as in cry, but when used by rivermen, has the same meaning given it by Harry Truman in speaking

of music critics. When approaching such rapids it is too late to exclaim, "Oh, mamma. Why did I ever leave home?" There is only one thing to do and that is to go on down the river. Making the run through the canyons is like marriage; you don't know what you're getting into until you make the trip. In all fairness to the river pilots, we gladly concede that these competent men know their business, and that anyone who likes this sort of thrill is probably in no more danger than in taking trips of other kinds. I, for example, still like to drag one foot on the ground when traveling by plane, yet, it doesn't seem to bother a lot of people at all.

However, in spite of all that may be said of a canyon voyage through Dinosaur National Monument, running the river will continue to appeal to relatively few people. Such trips will never be popular with the general public and this portion of the Monument's interior will remain little known.

If wilderness groups are trying to prove that the rivers are safe for just everyone, and therefore lakes are not needed for easy access to the canyon areas, they are wasting their time. No one has advocated building the dams because they will produce safe still-water bodies. These lakes will be the result of the dams being built; not a reason for building them. Any attempt to justify them on such a flimsy pretext would be utterly ridiculous. The dams are needed for stream regulation, holdover storage, power development, etc. Echo Park Dam, particularly, is one of the most important sites on the entire river system and meets all the requirements of adequacy. Nature has provided good damsites sparingly and these must be used where they are.

Postmarked December 18, 1953, the president of the Sierra Club sent the following frantic message to members: "Urgent: Immediate action needed. Secretary of Interior McKay has just recommended to President Eisenhower the destruction of Dinosaur National Monument-construction of Echo Park Dam. Arguments of conservationists have been passed by. Alternative sites exist that will spare the National Park System. What to do: Write (as an individual) or wire the President, White House, Washington, D. C., asking that he act to protect the National Park System and disapprove dams in Dinosaur. Send a copy to your Congressman (and your chapter chairman, please). There is no time to lose. You know the facts; more will follow—the next bulletin will suggest further steps for you to take. Every conservationist must speak at once. The chips are down for sure."

The club members are told that they know the fact, but one of the facts they think they know isn't a fact but a fallacy. Acceptable alternate damsites do not exist, and even General Grant III, who suggested some of these sites, concedes that the Bureau of Reclamation will have to make the final choice. It is to be hoped that the conservationists will be equally gracious.

Any alternate damsite, worthy of consideration, must do at least the following things:

1. Adequately fulfill the purpose of the dam being replaced.
2. Keep evaporation losses at a minimum.
3. Must have a comparable reservoir capacity.
4. Must be where water and power can be economically utilized.
5. Must impound the waters of the Yampa River.
6. Must inundate a minimum of property having economic value.

Finding an alternate which has these minimum requirements has failed to materialize.

The claim of the wilderness people that the dams will destroy the scenic and inspirational values of the canyon portion of Dinosaur National Monument is wide open to serious challenge. The charge has been repeatedly made by this group, in text and pictures, that these canyons will be filled with water. If we fill a bucket with water we have a bucketful of water. If we fill a canyon with water we should have water up to the brim. Let us take a realistic look at the situation and see what we really have. At Echo Park Dam the water will actually be 500 feet deep, plus or minus. Whirlpool Canyon, in which the dam site is located, rises 2,500 feet above this point. Thus the canyon depth will be diminished one-fifth at the dam. In Lodore Canyon, the deepest and most rugged of all the canyons in the monument, the average depth of reservoir water will approximate 350 feet, while the walls rise more than 3,000 feet, resulting in a diminution in height of only one-tenth. On the Yampa River the still-water lake will not even go all the way through the canyon but will leave rushing white water at the upper end. If our friends had said that the dams will fill the bottoms of the canyons they would have made a factual statement. What they overlooked in their eagerness to be alarming, was the fall of the river which causes backed-up water to become shallower as you go upstream. The lakes produced by Echo Park Dam will modify the character of the canyon country but will little affect their grandeur and scenic qualities.

But wilderness groups object to lakes in Dinosaur for still another reason. They say, "How will posterity be able to tell how these canyons were formed if the active streams which carved them are no longer in existence?" If, when posterity stands on the rims of the monument and can't tell that the canyons they are looking at were carved by stream action, they will be mighty dumb and certainly no credit to their progenitors.

The fact that the alpine glaciers which carved the high Sierras and Yosemite are no longer active, does not impair the enjoyment of the Sierra Club, and others, of this majestic area. For this very reason is the area accessible to large numbers, just as the canyon areas of the monument will become easily accessible after the rivers which formed them have been tamed in their headlong flight to the sea.

The terrific fuss and fury over the partial inundation of Steamboat Rock, in Echo Park, would mislead one to believe that this was the only scenic feature in the whole of Dinosaur National Monument. Nothing is ever said about some of its other magnificent areas which are unaffected by proposed dams. So flagrant is this omission by writers on the area who are in opposition to Echo Park, that I felt impelled to make the following reply to one stanch defender who sent me his article, "This Is Dinosaur," in the hope of converting me to his viewpoint. "Although your article is entitled 'This Is Dinosaur,' I note that you make no mention at all of Dinosaur Quarry and the headquarters area, while the wilderness section is featured entirely. The wilderness area of the monument is vast by comparison with the quarry area, but it is, nonetheless, secondary in importance to the quarry development. Unless the dams are constructed, in our opinion, the primitive area of the monument will remain relatively unimportant, as it is today, so far as sharing in the number of visitors is concerned.

"I also note another glaring omission, conspicuous by its absence, especially since you are writing entirely about the primitive portion of Dinosaur National Monument. You utterly fail to mention the Jones Hole area. For the most part, itinerant scribes like yourself, will visit those areas of the monument which can be reached while sitting on soft cushions, even if it practically wrecks a car to do so, but we can't get you into an area which involves a horseback ride and may mean that you're going to have to eat off the mantlepiece. Jones Hole, probably the most spectacular and scenic wilderness section in the monument, has received the most consistent and persistent brushoff of any area in the region. And yet, it has been considered worthy of setting apart as a national monument by itself alone. Its location and solitude, its lack of gas fumes and horn blowing, is the very thing which should make it irresistible to you wilderness people who are always yelling that you want to get away from it all. Well, here's your chance. Better come back and take another look at Dinosaur National Monument and finish your job. Jones Hole is something you'll really rave about, and best of all, it is unaffected by either dam.

"Let's get some realism into this thing and quit the visionary daydreaming which may make for poetic writing, but which certainly ignores the facts as though they were a plague."

It can be said for this particular writer that he did spend a week or more at the monument gathering the material for his article. Most of them camp there only overnight and then rush home to dash off a masterpiece on why Echo Park Dam will ruin Dinosaur.

I have lived in or adjacent to Dinosaur National Monument for over 30 years and with Mrs. Untermann, also a geologist, have mapped the geology of the entire monument. This publication, entitled "Geology of Dinosaur National Monument and Vicinity, N. E. Utah, N. W. Colorado," is now in press and should appear soon as bulletin No. 42 of the Utah Geological and Mineralogical Survey. Mrs. Untermann was formerly a ranger-naturalist at Dinosaur, and I have been a ranger there. In spite of our long association with the region and our intimate knowledge of it, there still are a lot of things that we do not claim to know about it. How these hit-and-run scribes who only camp overnight and then take a potshot at the monument can know so much is too deep for me.

The rivers of the monument now inundate 3 percent of the area. After both Echo Park and Split Mountain dams are constructed only 11 percent of the entire region will be inundated, leaving the remaining 89 percent a wilderness untouched by man.

Does this sound like the destruction of Dinosaur National Monument? It does, however, raise the old question of just how much wilderness do the wilderness people want? In the national park system is already encompassed an area nearly as large as the State of Maine. Canadian national parks preserve an area larger than Scotland or nearly 30,000 square miles. The national forests of the United States administer a wilderness of approximately 20 million acres. In his excellent and comprehensive article on the West in the December 25, 1953, issue of Collier's, Bernard DeVoto tells how Idaho has 3 million acres of primitive area accessible only by saddle trail. In Utah 71 percent of the land is federally owned, which includes 2 national parks and 9 national monuments. No one out in that country is going to shed any tears over the modification of a small portion of this Federal land, especially when it makes the area more accessible and advances the development of a rapidly expanding West. There is a good reason for such a viewpoint, which is at wide variance with that held by conservationists in general.

Thomas Munro, in his discussion of "The Aesthetic Appreciation of Nature," has this to say, "A man who must wrest a difficult living from the land is forced to take a different attitude toward it from that of the leisurely vacationist. He must, in other words, take a practical attitude toward nature." The vacationist enjoys our rugged mountains and scenic splendor for 3 months out of the year, then he goes back home to make his living where things are easier. The native lives out there the year round and has to scratch for his living where he is. These people who are opposing the development of our country

only come out there to play. We have to work there. You can't blame a man like Ebenezer Bryce, for whom spectacular Bryce Canyon was named, for not going overboard for the scenic aspects of the region when he took a more practical attitude by saying that it was a hell of a place to lose a cow. If some of this vast western wilderness can be put to work doing something useful, instead of being merely ornamental, it should not be looked upon as a national calamity.

We are aware, of course, that the major objection of conservationists to the dams in Dinosaur National Monument, the opposition which looms up largest, stems from the purported threat to a National Park Service area by commercial interests and the violation of principles and precedents. There are two sides to this story so far as Dinosaur is concerned. Our side of the story, the wilderness people have steadfastly contended, is of no importance and carries no weight. We feel, however, that each case should be judged on its own merits.

While the conservationist cries "invasion," we protest over the breaking of a pledge. Two years before the monument was enlarged from the quarry unit to include the canyon unit, a representative of the Park Service from Dinosaur, met with the local people to discuss the proposed expansion. In meetings held at Vernal, Utah, June 11, 1936, and at Craig, Colo., June 13, 1936, it was agreed that the enlargement of the Monument would not interfere with grazing or with water or power development on the streams and in the canyons. Believing in this promise the local people went along with the expanded program. We would like to see that pledge honored and feel it is equally as important as any alleged violation of Park Service policies. What a lot of people never knew, or may have forgotten, is that the initial expansion program at Dinosaur started out as a vastly larger scheme. The original idea was to make a wildlife area out of the region and as such it took in a great deal more territory. Indeed, it took in just about all the sagebrush flats and hills in the surrounding country and bore no resemblance to any plan presuming to preserve scenic and recreational values. The vigorous protest of the local people, both in Utah and Colorado, shrank the boundaries to approximately their present limits. The Monument's new look resulted from confining the expansion to the four major canyons, Lodore, Whirlpool, and Split Mountain on the Green River and Bear Canyon on the Yampa, with control areas reaching back several miles from both rims.

If the Park Service finds it distasteful to administer Dinosaur and its dams as a National Monument, it might do well to consider a change of status to a recreational area, as was done at Hoover Dam and Lake Mead. There is still another alternative which the Park Service may wish to consider, with profit to itself. The National Park Service is a victim of its own overexpansion, with a budget that simply does not get all the way around. Its excessive growth is not essentially of its own doing. What happens is something like this: people will enthuse over some historical or scenic area and immediately exclaim, "Oh, this should be made a national park," and pretty soon the wheels start rolling and the next thing the Service knows it has another mouth to feed and no more money to feed it with. Its like having your relatives move in with you. For awhile you can put more water in the soup, but that works just so long. After that you have to spend some money for more food, and if you haven't got it things are tough. Because the Park Service is land poor it may wish to consider relinquishing the canyon unit of Dinosaur National Monument altogether and putting its limited funds to work elsewhere. Either a recreational area status or a complete relinquishment would be a simple answer to the present controversy and the principles of no one would be violated.

What of archaeological and mineral values which may be inundated by dams in the monument? Archaeological exploration at Dinosaur dates from 1921. The principal work of study and excavation was carried on by the University of Colorado Museum in cooperation with the National Park Service. Considerable material has been recovered, especially in the Castle Park area, with a paper covering the work published by the University of Colorado Press in 1948. (The Archaeology of Castle Park, Dinosaur National Monument.) Prehistoric Indian sites, mainly Basket Maker II and III, ranging from A. D. 200 to A. D. 700, are widespread in northeast Utah and northwest Colorado, both inside the monument and outside. There is no danger, as a result of the same, of erasing lost civilizations. They are too well represented.

In our 5-year survey of the monument we could find no minerals of economic value and this includes oil. The formations which produce oil in this region are exposed on the surface and do not have a sufficient cover to trap oil if it were present in the first place. An independent investigation can easily verify the truth of these statements.

The grave concern over the presence of economic values in Dinosaur National Monument has always been a source of secret amusement to us. If the monument were made of uranium and was studded with diamonds no one would be permitted to develop these resources, because they would be in a Park Service area. The same uproar over invasion and precedents would be furiously hurled by the conservationists as are now being hurled over the proposed dams. While the Park Service would permit no "development" at Dinosaur, the local stockmen claim that the monument has a development project of its own; that of raising coyotes, mountain lions, and bobcats to prey on their young stock. The Park Service has a wildlife publication which shows that coyotes don't eat sheep. An autopsy was made on the stomachs of a couple of coyotes which proved that they ate only rabbits, prairie dogs, and other natural food animals. However, one of the stomachs contained a strange and exotic item—a shoelace. From this we must conclude that while these particular coyotes did not eat any sheep—at the time of their examination, one of them certainly must have eaten the herder.

In this concern over inundated values, the Park Service has, inadvertently introduced an item of confusion on its own. On page 47 of the National Park Service report which forms a portion of the 1950 Colorado River storage report, under Geological program is the following: "To excavate two important dinosaur sites in Echo Park and Split Mountain Canyon respectively; recovery, preservation, and storage of artifacts and plan for subsequent public exhibit." Twenty-five thousand dollars annually, for a 2-year period, are requested to make this study.

I wrote the then Secretary of the Interior pointing out the error in referring to this material as dinosaurs. Inasmuch as the canyons referred to are carved in formations which antedate the dinosaurs of the monument by at least 100 million years, no fossil dinosaurs could be present. The Assistant Secretary replied that they regretted the error and that the statement should have read "fossils" instead of dinosaur fossils. I in turn replied that using only the term "fossils" was still very confusing, since any fossil in the monument would immediately be interpreted as a dinosaur fossil by the average reader. It would be better to say what they mean, which was invertebrate fossils; in other words marine mollusks of the carboniferous period. We had had such a difficult time refuting the rumor that dinosaurs would be flooded by the dams that we didn't want to see this bugaboo raise its head again through the use of any misleading statements. Besides, $25,000 a year seemed to give these seashells an exaggerated importance which was sure to cause additional needless controversies. Especially, when the same material in exactly the same beds could be studied in many other localities within the monument and on the outside. Within the monument the identical geology occurs at these, among other places: Round Top, Martha Peak, Tanks Peak, Bear Valley, Thanksgiving Gorge, East Cactus Flat, Douglas Mountain, Zenobia Peak, Wild Mountain, Harpers Corner, and Jones Hole. Outside the monument these same fossils can be studied on Diamond Mountain, Lena Peak, Brush Creek Mountain, Taylor Mountain and others, all of which are wholly unaffected by any dams. This duplication of values within the monument and on the outside is typical of practically every feature which seems to cause some quarters so much concern, and applies not only to the geology, fossils, and archaeolgy but to faunal and floral and mineral values as well.

All this makes one wonder what all the shouting is about.

In addition to having mapped the Geology of Dinosaur National Monument which work will soon be out in the aforementioned Bulletin No. 42, of the State of Utah Geological Survey, we also have publications on special areas in the monument among which are the following: "Geology of the Green and Yampa River Canyons and Vicinity, Dinosaur National Monument, Utah and Colorado," G. E. and B. R. Untermann, which appeared in the May 1949 issue of the American Association of Petroleum Geologists. "The Morgan Formation of Whirlpool Canyon, Green River, Dinosaur National Monument, Uintah County, Utah," G. E. and B. R. Untermann, which formed a portion of the symposium, "Oil and Gas Possibilities of Utah," a December 1949 publication of the State of Utah Geological Survey, and "Stratigraphy of the Split Mountain Area," G. E. and B. R. Untermann, which appeared in the 1950 issue of the Guidebook to the Geology of Utah, No. 5, also published by the State Survey. I mention the above publications to show that considerable work on the geology of the monument has already been done.

It comes as no great surprise that conservationists are divided among themselves over this controversy and that such groups as would normally be expected to aline themselves with the wilderness people, because of their aesthetic appreciation of nature, are not opposed to the dams in Dinosaur National Monument. In our State we have such organizations as the Utah Federated Artists, Utah Federated Women's Clubs and the Wasatch Mountain Club who do not see eye to eye with the conservationists. Even members of opposing groups can't stomach some of the antics of the leaders of these organizations. Listen to this, from a member of the Sierra Club, no less, "I do not see eye to eye with the club. The entire club is led by a few who do the thinking for them and hold sway over the membership. A speaker at a recent meeting told of a film 'Boom Town' which showed the vice and immorality that goes with the boom conditions of a large project. They were going to use this film to discourage the people in the vicinity of the dams from supporting this sort of thing in their midst. Well, Vernal has gone through the oil boom O. K., so I guess they can maintain law and order while the dam is being built. I think reclamation is in its infancy and should not be blocked by a few individuals, or groups led by a few individuals, who know nothing of the needs of a land so far away."

My most unpardonable sin, in the eyes of the wilderness people, is that I, a museum man who himself preserves the beauties of

nature, should be on what they are pleased to call, the wrong side in this controversy. My reply has been, and will continue to be, that it merely goes to show that one can love nature and still be rational about it.

In view of all the consideration that has been given to posterity, I only hope they appreciate it when they finally arrive. I am sure they will be far more grateful to those forebears who leave them a means of making a living than to those of whom it can only be said, "They left us a wilderness."

SOME VIEWS OF THE WASATCH MOUNTAIN CLUB, SALT LAKE CITY

The Echo Park-Split Mountain controversy, when its relationship to the development of the upper Colorado River watershed is concerned, quickly loses its deceptive aspect of simplicity. The popular impression of a bureaucratic monster suddenly bent upon a dam-building foray, while superior sites are available elsewhere, is likely to undergo substantial revision.

Not only is this area in our backyard—the current dispute is not without an ominous portent for our front ones as well.

Some persons will learn, to their surprise, that the first reconnaissance undertaken in behalf of the Dinosaur Monument expansion found the Bureau of Reclamation already planning for a dam at Echo Park. Test drilling for the dam's foundation antedated by more than a year the inclusion of the area in the monument.

National park officials assured the inhabitants of the region that development of water resources would not be impeded, and a stipulation for construction was included in the order for the monument's expansion. As quoted by the Secretary of the Interior, "It contemplated the use of the monument for a water project."

The present conflict between inherently idealistic organizations presents a golden opportunity to enemies of the Bureau, and these implacable foes, now cloaked by association in a mantle of righteousness, contribute insidiously to gain their own unholy ends. Thus it is not surprising that the zealous conservationist should lapse into the line of attack of his predatory allies.

One favored subject is construction costs which exceed project estimates. The intended inferences are probably a lack of reliability in the Bureau's cost data, and deliberate underestimating to more easily secure congressional approvals.

Some embarrassment from estimate errors is freely admitted, but when a completed project report is subjected to committee hearings, investigations, etc., for a period often exceeding 4 years, before it is even presented to Congress, this type of error, during an inflationary period, can hardly be regarded as reprehensible. If there be any real basis for the second innuendo, it becomes less a reflection on the integrity of the Bureau of Reclamation than on the vision of Congress, which, in its dereliction, is ever mindful of the desires of the powerful taxpaying utilities, and has shackled this category of public works with heavy repayment requirements.

Other comparable endeavor, such as noncompetitive harbor activity, and the levee building antics of our flood-control specialists, the Army Corps of Engineers need make no repayment at all.

One example of increased project cost which is cited, employs a strategem worthy of a politician. The Colorado-Big Thompson project was plagued with difficult construction problems, and ran the gamut of the inflationary spiral as well. It is truly stated that the increase in costs over the original estimate is too large to be accounted for in this manner, but omitted, in the best tradition of the half-truth, is any reference to the power-generating facilities, including two reservoirs, which were added later (with congressional approval) to meet the rapidly growing demands of the region.

Competing for a place in the rhetorical war, is the ridicule which is bestowed upon evaluation of reservoir evaporation losses. A single decade has wrought startling changes in our concept of science, but the roles of air temperature, humidity, and motion; and exposed area, still seem reasonably secure as the major factors to be considered in the determination of evaporation from any open body of water. Wind and weather conform to broad general patterns, and little is left, including the very minor amount by which this evaporation might increase the precipitation returning to the system, to introduce appreciable error.

As determined by academic methods, the evaporation losses from the best combination of substitute reservoirs exceeds by more than 300,000 acre-feet, the system minimum, which would be realized by the construction of the "stepchild" dams. This figure may not seem impressive to outsiders, but it has greater significance for the water-conscious region which was handed the bill by the Colorado River compact.

There is more to the problem than water storage, power generation, and cost, but this trio alone seems more than capable of promoting endless contention. With some help from Senator WATKINS, Gen. U. S. Grant III publicly acknowledged one of the errors of his ways. The general is somewhat handicapped by his lack of knowledge of the Colorado River system, and his dependence upon reports which he had no hand in preparing. Costs which be found to his liking for his favorite projects, Bluff, New Moab, and Desolation, were taken from a report compiled in 1940, but for an Echo Park and Split Mountain comparison, he went to a 1949 report. Although both were plainly dated, the transition from a prewar to a postwar economy, where construction costs were more than doubled, was neglected in his figures.

Too little is known about these commonly and, it seems, hastily chosen substitutes:

Bluff: A small project of relatively short life, unless protected by upstream reservoirs, on the silt-laden San Juan.

New Moab: The joker of the trio, inundating, as it does, portions of the Arches National Monument. The waters of a reservoir of the size contemplated by General Grant would sever a large portion of the monument, including the famous Delicate Arch. If restricted in size to prevent monument enroachment, both storage capacity and power generation become negligible.

Desolation: Here a reservoir of 7 million acre-feet capacity, but little more than that required in combination with the foregoing as substitutes for Echo Park and Split Mountain, would have a surface area of 115,000 acres, or about 3 times that of the Echo Park Reservoir. When other disadvantages of the Desolation site—higher temperature, lower humidity, and more wind—are considered, it becomes obvious that Reclamation's concern over evaporation loss is not idle conjecture.

To placate those who recognize the validity of reservoir evaporation comparisons, still another phase of the chameleonic attack is resorted to. It is claimed, in direct contradiction of the Bureau of Reclamation's records of river flow, that there is ample water available for upstream needs. Unexpected exposures of this fallacy, and substantiation of the Bureau's data came with the disclosure, during the Mexican Treaty deliberations of 1945, of the Hoover Dam document.

To all appearances the Bureau of Reclamation confidently expects full vindication of its methodical procedures and conclusions; but not being permitted to publicize its case, can only await congressional hearings. The opposition has received relatively profuse publicity and, paradoxically, little scrutiny of its discomfitures and nebulous counterproposals; and, it seems, may need even more generous treatment in each subsequent encounter with reality.

AFFIDAVIT

STATE OF UTAH,
County of Utah, ss:

David H. Madsen, being first duly sworn on oath, deposes and says: That he is over the age of 21 years and a citizen of the United States, and a resident of Utah County, Utah. That at the time the area of the Dinosaur National Monument was expanded to include the Canyon Unit I was employed by the National Park Service under the title of "Supervisor of Wildlife Resources for the National Parks." Among my other duties I was acting superintendent of the Dinosaur National Monument and in that capacity was ordered by the National Park Service to arrange for hearings at Vernal, Utah, and Craig, Colo., for the purpose of securing the approval of the citizens of that area for the expansion of the Dinosaur National Monument to include the Canyon Unit. Meetings were accordingly held at Vernal, Utah, June 11, 1936, and Craig, Colo., June 13, 1936. A large representation of the citizens of the area were present at these two meetings.

Among other questions which arose was the question of grazing and the question of power and/or irrigation development which might be deemed essential to the proper development of the area at some future time. I was authorized to state and did state, as a representative of the National Park Service, that grazing on the area would not be discontinued and that in the event it became necessary to construct a project or projects for power and irrigation in order to develop that part of the States of Utah and Colorado, that the establishment of the monument would not interfere with such development.

The first part of this agreement with reference to grazing has been carried out, and the residents of the area involved are entitled to the same consideration with reference to the development of power and irrigation at the Echo Park and Split Mountain Dam sites, and any other development that may not unduly interfere for the purpose of the establishment of the monument and which is necessary for the proper development of the area.

DAVID H. MADSEN.

Subscribed and sworn to before me this 27th day of March A. D. 1950.

KARL H. BENNETT.
Notary Public, residing at American Fork, Utah.

My commission expires December 25, 1950.

Mr. WATKINS. Suffice it to say, Mr. President, that the upper Colorado River Basin States have thousands of miles of rugged canyons, wilderness areas, and colorful scenery, as well as a large number of national parks and monuments created to preserve that scenery. And from personal visits to the area, dating from my early youth, I can back up Mr. Untermann's statement that most of the colorful scenery in the Echo Park area will be unimpaired by this reclamation development. In fact, the reservoir development will make that scenic area available to thousands of recreationists for every one who can enjoy it today.

This feature of the Echo Dam controversy has been largely overlooked by one of the District of Columbia newspapers, which is now giving a large amount of front-page space to a proposal which makes its antagonism to Echo Park Dam appear very inconsistent. The Washington Post and Times-Herald is backing a proposal to build a highway along the bed of the old Chesa-

peake and Ohio Canal from Cumberland, Md., to Washington. The newspaper argues that the proposed highway will make a wooded wilderness area more accessible to people who do not accept the challenge to hike or ride horseback to it under present conditions. Its management has even authorized its two chief editorial page writers to make a 7-day hike through the area to determine if their position is justified.

This same newspaper, which has been regaling us all with lengthy accounts and many pictures of this hike along the canal, could not find space on its front pages for the President's historical statement on the upper Colorado River project. It can find space to editorialize against Echo Park and to carry extensive reports on the testimony of known opponents to it, but it has no space to report adequately a major favorable development.

Another large newspaper, which boasts that it prints "all the news that's fit to print," did carry an article on this subject, but it was quite effectively buried on page 90 of a large Sunday edition. By the way, Mr. President, that article was in regard to the President's statement on Saturday on a national water policy of great scope.

I also feel obligated to point out that, true to its established practice of opposing western reclamation projects, through editorials and its handling of news developments, the New York Times was careful to scout around for adverse comments from Echo Park antagonists, to balance the President's favorable statement.

One spokesman of so-called conservationists quoted by the Times article charged that the President's decision was "political, looking toward this year's elections and appeasement of political forces in Utah and Colorado." Such a statement, even if carried in a newspaper with the reputation of the Times, is too ridiculous to merit comment.

Since the New York Times goes so far out of its way to dredge up hostile comment in an effort to water down a historical statement by the President, I also feel obligated to point out that on March 8, 1954, the same newspaper gave prominence to a lengthy article which branded as "hitherto unpublished" a report by the United States Corps of Engineers which I had included in the CONGRESSIONAL RECORD of April 4, 1952. That was a great discovery on the part of the New York Times. The lengthy article was headed "United States Report Scores Colorado Project," and it purported to show that someone was trying to suppress a report which actually had been given wide circulation through the CONGRESSIONAL RECORD. The fact that the New York Times would give the article such prominence without making even a cursory check of the facts is surprising to me, but it indicates why the Times would bury in its back pages a statement by the President on a project of vital concern to all the Western States.

Mr. President, I have referred to the failure of the newspapers in the East properly to present the case for the upper Colorado storage and participating projects, and particularly the case in reference to Echo Park, for the reason that in the past the people of the West have been neglected by the press of this area. I do not wish to be too critical of the editorial policies of the eastern newspapers. Certainly they have a right to editorialize all they please.

On the other hand, when one of them has, as a slogan, "All the news that's fit to print," certainly it should carry what really is the news. What I have to say may not be news; but when the President of the United States announces a great policy, as he did on Saturday, with reference to this particular program, it should be fit to print, and should be given treatment on the first page.

EQUALITY FOR AGRICULTURE

Mr. HUMPHREY. Mr. President, in order to keep my farm constituents fully informed regarding my program for agriculture, I have previously had published in the RECORD a summary of proposed legislation which I have either sponsored or cosponsored on behalf of agriculture during the present session of Congress. Therefore, I ask unanimous consent to have four additional bills listed as additions to that summary.

There being no objection, the additions to the summary were ordered to be printed in the RECORD, as follows:

LIMITING DAIRY SUPPORT SLASH (S. 2962)

Providing that price supports for dairy products shall not be reduced by more than 5 percent in any one year.

SURPLUS FOOD CERTIFICATE ACT OF 1954 (S. 3092)

To provide supplementary benefits for recipients of public assistance under Social Security Act programs through the issuance to such recipients of certificates with a value of $10 per month to be used in the acquisition of surplus agricultural food products.

STOPGAP CURB ON DAIRY PRICE CUT (AMENDMENT TO WOOL BILL, S. 2911)

To provide that dairy support levels shall not be less than support levels of other basic commodities, such as feed grains the dairyman must buy, and in no event lowered more than 5 percent in any one year.

EXTENSION OF PRESENT SUPPORT LEVELS (AMENDMENT TO WOOL BILL, S. 2911)

Providing for extension for the next 2 years of existing levels of price supports on basic commodities.

Mr. HUMPHREY. Mr. President, ever since Secretary Benson announced, last February 15, he intended to reduce dairy support prices to the lowest permissible level, I have raised my voice in protest on this floor, in order to convey to the Senate the overwhelming opposition of Minnesota's thousands of dairy farmers.

In the course of my previous remarks I have endeavored to make clear what this blow would mean to the economy of my State, and to the economy of our Nation. I have endeavored to convey the still growing belief that it is too drastic a blow for our economy to stand at this time, and too unjust and unfair a blow against the dairy industry.

I have not just criticized; I have offered constructive alternatives. I have urged the Senate's Agricultural Committee to assert its leadership responsibility in taking emergency steps to prevent this slash from going into effect until further decisions can be reached on farm legislation generally. I have welcomed the introduction of proposed legislation which would serve that purpose; and not only have I joined as co-sponsor, with my Minnesota colleague, of Senate bill 2962, but I also have actively recruited other cosponsors for that measure, which now is before the Senate Committee on Agriculture and Forestry.

I have previously taken the floor to warn of the time deadlines approaching, and to urge that the measure be reported immediately, for action.

When the likelihood of such a course appeared dim, I offered the provisions of Senate bill 2962 as an amendment to the wool bill, then scheduled for action by this body, with the distinguished Senator from Wisconsin [Mr. WILEY] joining me as cosponsor, in the hope of bringing about a decision by the Senate before April 1.

It is with deep regret that I now note the apparent tendency of the majority leadership to avert such a showdown by deferring action on the wool bill.

I have endeavored to make it quite clear, Mr. President, that the dairy industry has conscientiously sought to do its part in meeting Secretary Benson's request for alternative proposals, and for sound disposal plans for the current temporary oversupply of some dairy products. I have cited the efforts the dairy industry has made and is still making in its own behalf, through a concerted advertising campaign, to stimulate consumption.

I have sought to show by Secretary Benson's own words, in press releases issued by his Department, that higher price supports are not alone responsible for surplus dairy production; that 4 years of price support at 90 percent of parity did not throw production out of balance with demand; that the excess dairy production is only a temporary situation resulting from an unusual set of circumstances beyond the farmer's control; and that if our full dietary needs were met, there would not be a surplus of milk and dairy products.

Mr. President, I have called upon Secretary Benson to reconsider, in the face of the mounting evidence that his proposed action will disrupt America's dairy industry.

In view of repeated statements by his aides that Secretary Benson was required by existing law to make such a restriction—a position in which I do not concur—I have asked him, if that argument is more than just an alibi, to support our efforts to change that law by enactment of Senate bill 2962.

Mr. President, I regret the necessity for continuing my strong protest against letting this dairy slash go into effect. Yet I shall continue to protest up to the day or the hour it goes into effect. It is not too late for the administration to reconsider, and to protect our dairy industry from this blow. But the time is fast slipping away.

If this administrative action goes into effect, the responsibility will rest upon this administration, not only for ordering it but for blocking sincere attempts to let the decision be made by the Congress itself.

Mr. President, I warn of the reaction among dairy farmers.

I have just returned from a visit to Minnesota over the weekend, during which I talked with hundreds of farmers and many responsible leaders in all segments of the dairy industry. They are deeply concerned and, to say the least, very unhappy.

Mr. President, let me point out that one of the meetings I visited was that of the Land O' Lakes Creamery Cooperative Association, which is one of the largest in the Nation.

April 1 will be a dark day, indeed, for America's dairy farmers.

The lower prices for processed dairy products ordered into effect that day by Secretary Benson will wipe out from $600 million to a billion dollars in dairy farm income and assets, according to estimates of the National Milk Producers Federation. For Minnesota alone, the loss is conservatively estimated at $2,500,000 a month. That is too drastic a blow to toss at any industry. It is more than our important dairy industry can stand.

At a time when our economy already is slipping, it is a foolish mistake to deliberately create new downward pressures on America's economy by wiping out millions of dollars in farm purchasing power.

Mr. President, I ask unanimous consent to have two clippings—one from the Minneapolis Tribune and the other from the Minneapolis Star—printed at this point in the RECORD, as part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune]

FARM INCOME DROPS, CITY INCOME RISES

WASHINGTON.—The Nation's farmers earned 9 percent less money last year while city dwellers' incomes jumped 6 percent, the Agriculture Department reported Thursday. It blamed sagging farm prices for the reduction.

The Department reported net farm income for 1953 at $20,466,000,000. It put nonfarm, or urban income at $259,099,000,000. Farm income last year was at the lowest level since 1949, when farmers took in $19,900,000,000. They received $22,458,000,000 in 1952. City dwellers earned $243,468,000,000 in 1952.

Average income of persons living on farms in 1953 was $822—a 3 percent drop from 1952. Average income for city dwellers was $1,898—an increase of 3 percent. The average income for all Americans was $1,751.

[From the Minneapolis Star]

EIGHT HUNDRED AND EIGHTY-TWO DOLLARS AVERAGE FARM INCOME IN 1953—UNITED STATES REPORTS $23 DIP FROM TAKE IN 1952

WASHINGTON.—The Agriculture Department reported today that the income of the farm population last year averaged $882 for each person compared with an average of $1,898 for the nonfarm population.

These figures were said to represent a decrease of $23 from 1952 for the farm population and an increase of $56 for the nonfarm population. The record average for the farm population—$986—was said to have been reached in 1951.

Last year's $1,898 average was reported to be the highest on record for the nonfarm population. The decline in the farm income reflected lower farm product prices.

The total income of the farm population from all sources was reported at $20,466,000,000 last year, compared with $22,458,000,000 in 1952 and with the record of $23,700,000,000 in 1951.

The total income of the nonfarm population was reported at a record $259,099,000,000 last year.

The reduction in the farm population income last year was about 8.8 percent on an overall basis, but only about 3 percent on an individual average basis. The number of persons living on farms last year was smaller than the year before.

Included in the income figures for the farm population was the value of farm products used in the family home, the rental value of farm dwellings and returns from nonfarm sources, such as outside investments, wages for nonfarm work, and the like.

The Department said farm operators, as distinguished from farm laborers and other nonfarm operators included in the farm population, realized a net income of $12,802,000,000 from farming operations last year, compared with $14,153,000,000 in 1952 and with a record high of $15,644,000,000 in 1951.

Farm production expenses were reported at $22,218,000,000 last year, compared with $23,027,000,000 in 1952 and with $23,448,000,000 in 1951.

The Department said the inventory value of crops and livestock held on farms declined $675 million last year, compared with an increase in value of $654 million in 1952.

The average net income for the Nation's farms was put at $2,212 last year, compared with $2,557 in 1952 and with a record $2,884 in 1948.

Farmers' cash receipts from marketings last year were estimated at $31 billion, 4 percent less than in 1952, which was the record high. The total volume of marketings of crops and livestock products was up 4 percent, but farm prices averaged 8 percent lower.

Net income figures by States had not yet been determined. But the Department reported the following State breakdown on cash receipts from farm marketings for 1953 as a percentage of 1952:

Wisconsin, 92 percent of 1952; Minnesota, 99; North Dakota, 100; and South Dakota, 98.

Mr. HUMPHREY. Mr. President, appropriately enough, Secretary Benson has chosen April Fools' Day to invoke this blow. But he is not fooling many farmers about what it means—the forerunner of lower prices for all farm products, unless his action is checked by the Congress.

April 1 is a Thursday. I might suggest that America's dairymen designate it "Black Thursday" and make it a day of economic mourning. Perhaps they can demonstrate their protest by hanging black crepe paper on their doors, their gateposts, and their mailboxes, or by draping it on their milk cans going to the creamery.

Black Thursday should be made the rallying day for farmers to speak out in any way they can against the economic threat confronting them.

Consumers should not be fooled, either. It is going to hurt, rather than help, all of them in the long run. Everyone suffers if we touch off a farm-led depression.

Consumers have been deliberately misled into believing price supports are responsible for what they have been led to believe are high food prices. It simply is not true, and spokesmen for Secretary Benson's own Department conceded it was not true, as far as dairy prices were concerned, during a talk last week before the Land O' Lakes Creamery Association, in Minnesota.

It is time that more facts and less fiction were brought forth, to shed light on the dairy situation.

Mr. President, I have here some interesting figures which have been supplied me by Mr. Charles Ommodt, general manager of the Cass-Clay Cooperative Creamery Association, at Moorhead, Minn. I understand the same figures have been supplied to our Agriculture Committee. They are figures on the cost of butter production in Minnesota.

They prove beyond much doubt my point that dairy products cannot be produced and sold below 90 percent of parity and still bring a fair return to dairymen. Even at 90 percent of parity, with herds producing an average of 345 pounds of fat per year, the farmer receives only 45.3 cents an hour for his labor. Does Secretary Benson contend that 45 cents an hour is too high pay for dairy farmers?

Mr. President, I ask unanimous consent to have appear at this point in my remarks, in the body of the RECORD, the statement from Mr. Ommodt entitled "Is Butter Too High," showing production-cost figures arrived at in a conference with producer members of cow-testing associations, agricultural extension personnel, and dairy specialists.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

IS BUTTER TOO HIGH?

Production and feed-cost figures from the Minnesota Dairy Herd Improvement Association annual summary of 1952:

Herds reported	2,503
Cows reported	47,854
Average number of cows per herd	19.12
Average pounds of butterfat per cow	354
Average feed cost per pound butterfat—cents	36.4

The following production cost figures were arrived at in a conference with producer members of cow testing associations, agricultural extension personnel and dairy specialists:

Income and expense statistics:	
20 cows averaging 354 pounds fat—pounds	7,080
Value at 72 cents per pound fat	$5,097.60
Value of skim milk	1,274.40
Total	6,372.00
Less:	
Feed cost at 36.4 cents per pound fat	2,577.12
Operating expense:	
Hauling	807.12
Depreciation	500.00
Interest at 5 percent	825.00
Veterinarian	175.00
Testing	160.00
P. P. tax	40.00
Electricity	150.00
Gas and oil	50.00
Total, operating expenses	2,707.12
	5,284.24
	1,087.76

Labor, 120 hours per cow, 2,400 hours; average 45.3 cents per hour.

Mr. HUMPHREY. Mr. President, 400 dairy-farmer families belonging to the Glencoe Butter & Produce Association met recently at Glencoe, Minn., to discuss this situation. I ask consent to have published in the body of the RECORD at this point a letter from John F. Albrecht, president of that association, and the accompanying resolutions adopted at that meeting in opposition to the drastic slash in dairy price supports. You can understand their concern when you know that over 50 percent of the income in McLeod comes from dairying.

I ask unanimous consent to have the letter and resolution printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

GLENCOE BUTTER & PRODUCE ASSOCIATION,
Glencoe, Minn., March 15, 1954.

The Honorable HUBERT HUMPHREY,
The United States Senate,
Washington, D. C.

DEAR SIR: The members of the Glencoe Butter & Produce Association passed the enclosed two resolutions unanimously at their recent annual meeting. They asked me to see that you received them.

Our membership of 600 families of which over 400 attended the annual meeting, feel very disappointed in the attitude being taken by the Department of Agriculture regarding dairy supports and the brucellosis indemnity program.

The resolutions are self-explanatory.

Very truly yours,

JOHN F. ALBRECHT,
President.

As over 50 percent of the income in McLeod County comes from the dairy industry, a drop of 15 percent to 75 percent of parity on dairy products will cause a tremendous hardship to dairy farmers and to this community. We, the members of the Glencoe Butter & Produce Association, urge the passage of the bill sponsored by Senators THYE and HUMPHREY, and others, urging dairy supports be changed gradually with not more than a 5-percent drop a year.

We further recommend that a change be made in the method of supporting dairy prices. We feel the consumer should be entitled to receive the best quality dairy products directly from the dairy plant and not have the Government store only the top quality product, as with butter where only 92 score and better butter is scored. We further believe that the dairy producer of a top-quality product is entitled to 90 percent of parity as well as the producers of other basic commodities. We resolve that a direct type of payment be worked out to pay producing plants an incentive payment for the production of a quality product with this pro rated to the farmer producer. For example, butter should be supported at 90 percent of parity on 92 score butter. Ninety-three score, 1 cent above; 90 and 91 score, 2 to 3 cents below 90 percent of parity, with no support on a product scoring below 90.

We, as members of the Glencoe Butter & Produce Association, feel that livestock and human health is of great importance not only to livestock producers but to the whole Nation. We resolve that the budget for the indemnity program for Bangs and TB be reinstated in the budget of the United States Department of Agriculture.

Mr. HUMPHREY. Mr. President, even those holding honest differences of opinion in Minnesota over flexibility in price supports protest this dairy slash as too great, too drastic. I have here a letter from Mr. George Bruch, secretary of the Goodhue County Farm Bureau, setting forth the action taken against the dairy slash to 75 percent of parity at a meeting of its township directors and dairy farmers—a meeting held, incidentally, in the midst of a heavy snowstorm that failed to keep these good people away. I ask consent to have the letter and resolution it contains appear at this point in my remarks.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

GOODHUE COUNTY
FARM BUREAU ASSOCIATION,
Red Wing, Minn., March 16, 1954.

Hon. Senator HUBERT H. HUMPHREY,
Washington, D. C.

DEAR SIR: Last Friday, March 12, our county farm bureau held an open meeting from the farm bureau township directors and dairy farmers from the various townships to obtain an expression regarding the present developments in the national dairy picture.

In spite of the heavy snowstorm (only one in this territory this winter) there was a good representation of dairy leadership at the meeting and we felt you would be interested in knowing the sentiment shown by this group of about 40 dairymen.

The group participated in lively discussion of current dairy issues and farm program principles. And while they did not back away from our previously announced stand favoring a degree of flexibility in our price-support program, the group did feel that the announced April 1 cut in dairy price supports from 90 to 75 percent of parity is rather severe. They also recognized that the accumulating dairy surpluses and the present provisions of the law gave the Secretary little choice except to lower supports. However, Congress could greatly relieve the present distressed situation by enacting stopgap measures while the new farm bill, with long-term objectives, is being developed. With this in mind, the group unanimously adopted the following resolution:

"We endorse the Thye-Humphrey-Andresen proposed legislation to continue the 90 percent support for dairy products as long as the 6 basic commodities receive 90 percent support, and that future cuts in support level be not more than 5 percent in any one year, and we further endorse the proposal of the Minnesota Creamery Association to dispose of surplus dairy stock through the so-called roll back or wash sale plan whereby CCC held dairy products would be offered to consumers through regular trade channels at open market prices and the difference made up in payments to the dairy plans, who in turn would pass these on to producers as additions to their original price."

We submit this as an expression of a limited group of our county dairy farmers for your consideration.

Respectfully yours,

GEORGE BURCH,
Secretary.

Mr. HUMPHREY. While I have been carrying on this fight primarily for the economically important dairy industry of Minnesota, I find the same strong feeling exists in dairymen all over the country that they are being discriminated against. My mail includes appeals from all over the country urging me to keep up my efforts against this drastic slash. I ask consent to have appear in the body of the RECORD at this point resolutions on the dairy question adopted at a dairy conference held at Orland, Calif., under auspices of the California Farm Research and Legislative Committee.

There being no objection, the resolutions were ordered to be printed in the RECORD as follows:

RESOLUTION ADOPTED BY MORE THAN 50 FARMERS ATTENDING THE REGIONAL MEETING CALLED BY THE CALIFORNIA FARM RESEARCH AND LEGISLATIVE COMMITTEE FEBRUARY 28, 1954, ORLAND GRANGE HALL, ORLAND, CALIF.

Following reports on the Eisenhower-Benson flexible price-support program by George Snyder, Orland, and Lynn Raymond, Corning, with special reference to the effect on dairymen of the proposed 15-percent cut in dairy-price supports by the USDA April 1, the following resolution was adopted after full discussion with one abstaining vote:

"During the period October 1952-October 1953, the price paid California producers for grade B milk fell from $4.70 per hundredweight to $3.81 per hundredweight, or 19.3 percent. In December 1953, grade B dairymen sustained an additional 29 cents per hundredweight cut.

"During the period October 1952–October 1953, the price paid grade A producers fell from $5.72 per hundredweight to $5.25, or 8.2 percent. Another drop of 1 cent a quart or from 46 cents to 48 cents per hundredweight went into effect January 16, 1954.

"Many dairymen are forced to sell below their cost of production.

"The price of milk cows has dropped an average of $125 a head in the past year, representing an inventory loss of over $100 million on California's 900,000 dairy cows.

"In the face of these facts, Secretary of Agriculture Ezra Benson has announced that he will drop support prices on dairy products (butter, cheese, and nonfat-milk powder) from 90 percent to 75 percent parity on April 1. This would reflect a further loss of 16 percent per hundredweight of milk and 16.7 percent per hundredweight of butter to our dairymen. If this parity drop is allowed to go through a considerable number of California's 25,000 dairies will be forced out of business.

"Dairymen do not have to be bankrupted to dispose of our current milk production and the accumulation of dairy products which this administration has allowed to pile up in Government storage.

"If per capita consumption of fluid milk were restored to the 1945 level, consumption would increase 12 percent and there would not be enough milk to meet demand.

"With our rapidly growing population we should be planning to maintain and increase our milk reserve, making it available to low-income families, the aged, the children in our schools, and hungry people abroad: Therefore be it

"*Resolved,* That we take the following action:

"1. Urge immediate passage of S. 2962 (THYE, Republican, of Minnesota), which would make price supports for dairy products mandatory at a level no lower than rigid supports for basic commodities and would prohibit a drop greater than 5 percent in any one year.

"2. Support passage of S. 1159 (HUMPHREY, Democrat, of Minnesota) and H. R. 7267 (JOHNSON, Democrat, of Wisconsin), which would require 90 to 100 percent parity price supports or production payments where advisable for the following commodities: Dairy products, hogs, eggs, poultry, beef cattle, lambs, soybeans, barley, oats.

"3. Restore the $47 million cut from Commodity Credit Corporation funds for maintaining the price-support program. (This is the cut recommended in the President's budget.)

"4. Commend the Joint Congressional Committee on the Economic Report (Representative JESSE P. WOLCOTT, Republican, of Michigan, chairman, and Senator RALPH E.

FLANDERS, Republican, of Vermont, vice chairman) for recommending postponement of the Eisenhower-Benson flexible price-support program and the modernized parity formula, because putting it into effect, according to the report, "may actually place the farm family in a worse position."

"5. Authorize the California Farm Research and Legislative Committee to make copies of this resolution available to the California representatives in the Senate and House of Representatives, to Senators Ed J. Thye, Ralph E. Flanders, and Hubert Humphrey, and to Representatives Lester Johnson and Jesse Wolcott; to President Dwight Eisenhower and Secretary of Agriculture Ezra Benson; to the farm organizations and to the press."

M. CLAIRE FORBES,
Regional Vice Chairman, California Farm Research and Legislative Committee, Presiding Officer.

Mr. HUMPHREY. Mr. President, one of the most respected and recognized leaders of the dairy industry in California is John S. Watson, of Petaluma, former head of the California State Chamber of Commerce and member of the agricultural committee of the San Francisco Chamber of Commerce.

Mr. Watson is among those vigorously raising his voice against this dairy slash out in California.

In a recent address he warned that for every dairyman forced out of business, if Secretary of Agriculture Benson gets his way, four workers dependent on milk production will lose their jobs.

Let me quote briefly from Mr. Watson:

We've gone through 2 depressions since 1920 and seen 1 out of 7 people on relief. We'd be fools to let it happen again.

April Fool's Day, it appears, may prove he is right.

Mr. Watson pointed out what almost anybody in the dairy industry could tell you if he told the truth—that the Government's current butter surplus is processor made. He explains that the uncertainties created by this administration's policies resulted in processor inventories being switched from private to Government shelves. That is where the inventories are today.

I understand the Western Dairymen's Association's 3,000 members are circulating petitions asking immediate passage of S. 2962. I call this growing concern in California to the attention of our majority leader and urge that he speak out in behalf of the great dairy industry in his State, instead of sidetracking a chance for this body to vote on continuing effective price supports for dairy products after April 1.

Mr. President, overemphasis has been placed upon our dairy surplus. Consumers should think about the warning voiced by Mike Norton of the National Milk Producers Federation at the annual meeting of the Land O' Lakes Creamery Association. If we did not always have some degree of surplus, he warned, we would be forced to have rationing, to assure everyone of getting his fair share of the supply. Would not consumers rather have an abundant supply, than to have milk rationed?

Let me illustrate this dairy supply situation in another way, to refute the idea of a terrible surplus hanging over our heads.

When we talk about increasing consumption, some people think we are just visualizing some imaginary goals of what we hope might be achieved.

But we do not have to shoot for the moon. If we were to continue to consume milk at the same rate we have consumed it in the past, there would be no surplus today.

We had a great farm forum in Minneapolis last week, to hear the pros and cons of some of these farm issues discussed. Among the speakers was Herrell DeGraff of the School of Nutrition at Cornell University, one of the most eminent authorities in his field. What did this nutrition expert say?

If America's growing population had consumed milk during 1953 at the same rate per capita as our people did in 1945, there would be no dairy surplus at all today.

I cite these illustrations, Mr. President, to show it is not a hopeless situation the dairy industry faces. It is a challenging situation, however, and one in which dairy farmers are entitled to fair and equitable treatment from their Government while they strive to restore better markets.

On the question of milk consumption, I ask consent to have published at this point a constructive editorial from The Grand Rapids Herald-Review of Grand Rapids, Minn., of which Larry Rossman is the fine editor. It is entitled, "A Story of Two Quarts."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A STORY OF TWO QUARTS

There are various kinds of quarts. One is of whisky. That quart is in a very fancy bottle with labels and stamps. It may cost $5 of which the taxes would be about half.

That quart is not a good one. The fellow who takes it home and drinks too much of it at a time may quarrel with his wife, be mean to his children and insulting to his friends. If the bottle becomes his ultimate master he will be picked up in a gutter, out of a job and headed for skid row.

The other kind of a quart is a quart of milk. It costs up to about 20 cents. When father takes milk home mother starts to make something good for supper. The children all have a glass. A famous doctor says that if the fellow who has cramps in his legs at night will drink a glass of milk a day the cramps will go away.

For the cost of one harmful quart of booze the family can get a quart of good milk for every day of the month.

Now comes the monkey business.

The fellow who sells the quart of whisky sells it at fixed price, or practically so, because cutting prices is not considered ethical in the booze business. The Government discourages it.

Now comes Ezra Benson, Secretary of Agriculture. Mr. Benson is a virtuous man who would probably not touch a glass of strong drink. He is, economically, an enemy, not of booze, but of milk. He puts out an order that the farmer who has been producing that quart of milk for about 8 cents should get only 7 cents for it.

All of this means one thing. The farmer says that he is tired of milking. He made no money at 8 cents. He sells the cow to the stockyards where she is made into canned beef. The man who once milked gets a job in a tavern. He can do better with a white apron handing out the suds.

This is not fantastic. It is a simple illustration of the different values which even good people put upon common things of life.

Mr. HUMPHREY. Mr. President, Wallace's Farmer and Iowa Homestead has long been perhaps one of the foremost farm journals in this country. It agrees that Secretary Benson is making a mistake in lowering supports on dairy products, instead of trying to take a more constructive course of expanding markets for all livestock products.

In an editorial entitled "For Better Prices," it offers the kind of positive approach to our farm problems I would like to see more of in the Department of Agriculture today. I ask unanimous consent to have the editorial to which I refer appear in the body of the record at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FOR BETTER PRICES

Some farmers are writing to their Congressmen and saying, "Don't pass the Benson farm bill." This is pretty good advice as far as it goes, but it isn't enough.

Congressmen should be voting for a good farm program as well as against a bad one. They would appreciate being told what you would like them to vote for.

What should that be? On the basis of what farmers have reported to us through the Wallace-Homestead poll, we'd pick the following points:

1. Expand the market for livestock products. After all, the Corn Belt gets the big end of its living from livestock. Iowa farmers get 84 percent of their money from this source. So farmers would like to have a Federal food-stamp program to get more meat, milk, and eggs to folks who need this help. And a good many farmers want production payments if necessary to keep dairy products from dropping still farther.

2. Expand the market for exports. This means skillful use of giveaway programs, as well as sales campaigns. It means a special effort to move wheat.

3. Make production control really work by taking diverted acres out of production for market. Use a soil conservation base instead of the historical base.

Up until now, Secretary Benson has given little help in expanding livestock markets. Instead, he is lowering supports on dairy products and is apparently trying to get plenty of cheap feed produced in 1954. This means lower prices of hogs, beef, cattle, and eggs next year.

On export sales, Benson, needled by the Farm Bureau, is making an effort. Give him credit for that.

On production control, Benson is failing. The present program—according to his own admission—won't reduce feed grain supplies.

Worst of all, Secretary Benson has the delusion that by lowering supports he'll get farmers to cut production. If you lower the price of corn and raise the price of beans, you'll get more beans, that's true. But if you lower the price of everything, will farmers cut production on everything? They never have.

See what happens this year with 80-percent supports on soybeans instead of 90 percent and with 75 percent supports on dairy products instead of 90 percent.

When you write to your Congressman, say, "The Corn Belt's business is livestock. We want a farm program that helps our business."

Mr. HUMPHREY. Mr. President, again I warn that time is running out.

Already the effect of this proposed dairy slash is being felt, even before it officially goes into effect.

One of my dairyman constituents has sent me a photostat of a notice to farmers which was posted on the door of a cream-buying station last week in Minnesota. It confirms what I have said all along, that the butter trade would certainly be forced to dump all of its stocks onto the Government as a result of this order. But it goes even further. It reveals that the trade is jumping the gun on the new lower prices, starting today. I call attention to the last sentence of the notice saying:

So they will have butter on hand to sell at the new price April 1, they will discount the market 8¼ cents—probably from March 22 on.

I ask consent that the text of this notice on New Support Prices be published in the body of the RECORD at this point.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

NEW SUPPORT PRICE

As you, no doubt, have heard over the radio and read in the papers, the support price on butter, effective April 1, will be 75 percent of parity.

What does this mean? It means the butter price will be down 8¼ cents per pound. To cover this drop on butter, we will have to reduce our paying price on butterfat 11 cents per pound.

The thing we are most concerned about, and that which calls for immediate action, is to get our paying price down fast enough to prevent an inventory loss of 8¼ cents on butter on hand as of April 1.

We, as well as others in the creamery business, have no protection or price guaranty on butter on hand or butterfat not churned as of April 1. Therefore, every effort should be put forth to adjust paying quotations as well as move products fast. No buyer, whether it be a broker in Chicago or New York, or a retail store, will be caught with an inventory of butter on hand as of April 1. So they will have butter on hand to sell at the new price April 1, they will discount the market 8¼ cents—probably from March 22 on.

Mr. HUMPHREY. As a result of Mr. Benson's order we are going to see the greatest pile of surplus butter the Government has ever known.

I hope Members of this body who represent primarily urban populations will not make the mistake of thinking it is only the dairy farmers and other farmers who are deeply concerned about the adverse effects of the Department of Agriculture policy. Day after day my mail brings me letters and petitions from business groups and businessmen, urging that supports be maintained at effective levels to keep our economy from going into a tailspin.

It is commendable to see such interest in our rural communities; it is a sign that Main Street businessmen are aware of where the money comes from to keep them in business. I am proud of the way Minnesota's business people are rallying behind our farmers in their fight for better equality of opportunity.

Mr. President, I ask unanimous consent that a letter which I have received from Mr. Orville Amdahl, of Kerkhoven, Minn., with regard to agricultural price supports be included in the body of the RECORD.

I also ask that it be noted in the RECORD that a total of 133 businessmen in Kerkhoven, Raymond, and Benson, Minn., have gone on record in favor of a farm price-support program at 90 to 100 percent of parity. Inasmuch as this resolution has appeared in the RECORD before, it is not necessary to print their resolution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KERKHOVEN, MINN., *March 6, 1954.*

The Honorable HUBERT H. HUMPHREY,
United States Senate,
Washington, D. C.

DEAR MR. HUMPHREY: Mr. Nelson and I have just completed contacting all businessmen and their employees in the village of Kerkhoven. The purpose of this was to find out just how nonfarm people feel about farm prices. The results were very interesting in view of the fact that this is generally considered a Republican town. Nearly 100 percent are for continued high supports of all farm products.

I would favor a program of acreage controls to control surpluses. But I don't see how we can take acreage controls and reduction in parity prices and still keep up our economy. In other words we must keep up farm income so that he might buy the products of labor and thus keep unemployment at a minimum.

We know you are working for this program and we pledge our support to you.

Sincerely,

ORVILLE AMDAHL.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a petition signed by 16 businessmen from the community of Maynard, Minn., in support of 99 to 100 percent of parity for all farm products be included in the body of the CONGRESSIONAL RECORD. It is not necessary that the names be printed.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

The Honorable HUBERT H. HUMPHREY,
United States Senate,
Washington, D. C.

DEAR SIR: We, the undersigned, ask you in all sincerity to vote and fight for farm support prices of no less than 90 percent to 100 percent of parity, figured under the old parity formula for all farm products.

We are strictly opposed to any sliding scale and to the use of the new parity formula, as our place of business will suffer tremendously if the sliding scale is forced upon the American farmer. We strongly urge that the Senate and House of the Congress of the United States will not let Secretary of Agriculture Benson's 75-percent parity on dairy products go into effect, but rather reinstate them at not less than 90 percent.

Clifford Huseby, oil business; Arthur Jacobsen, oil business; Orien Docken, television and radio; Harold Huseby, barber; W. A. Moen, banking; A. R. Christenmoss, grocery; Christ Olsen, trucking; Merlin Anderson, cafe; Wm. A. Brown, Red Owl; E. G. Huin, Maynard Creamery; B. G. Shelrud, Maynard News; C. M. Lowntson, Maynard blacksmith; L. M. Swaws, theater; Adolph Olson, Maynard produce; G. J. Eggen, insurance; F. W. Jensen, elevator manager; all of Maynard, Minn.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a telegram which I have received from the Douglas County delegation to the district Farmers Union meeting, endorsing the Dairy Products Marketing Act of 1954, be included in the body of the CONGRESSIONAL RECORD. I also ask that the names of the delegates be printed.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FERGUS FALLS, MINN., *March 10, 1954.*

Senator HUBERT HUMPHREY,
United States Senate Building,
Washington, D. C.:

We, undersigned, delegation from Douglas County attending the district Farmers Union meeting tonight endorsed unanimous the Dairy Products Marketing Act of 1954.

Orin Foslien, Garfield; Carl J. Newhouse, Alexandria; Norman Foslein, Garfield; Rueben Hverda, Alexandria; Oscar Glocke, Alexandria; Christ H. Ammer, Alexandria; Cliff Floding, Alexandria; F. W. Foslien, Garfield; Conrad Foslien, Garfield; Fred C. Stahl, Alexandria, Delphin Wesen, Alexandria; Frank Yakda, Alexandria; Gilman Gilbertson, Garfield; Howard Platcher, Alexandria; Henry Jentseen, Parkers Prairie; Oscar Newhouse, Brandon; Theo Foslien, Garfield; Julius Arneson, Garfield.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a resolution adopted by the Plainview Co-op Creamery Association on February 13, in connection with dairy price supports, be included in the body of the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

PLAINVIEW CO-OP CREAMERY ASSOCIATION,
Plainview, Minn., March 13, 1954.

The Honorable HUBERT H. HUMPHREY,
United States Senate,
Washington, D. C.

DEAR SIR: For your consideration we are informing you of a resolution passed at a board meeting of the Plainview Co-op Creamery Association on February 13, 1954.

"Whereas the Government has supported the price of dairy products at 90 percent parity and allowed it to deteriorate into an uneatable product: Therefore be it

"*Resolved,* That the board of the Plainview Co-op Creamery go on record as being in favor of letting the price seek its supply-and-demand level; then subsidize the producer to the extent necessary to give him an income equal to 100 percent parity. The money that has been used in the past to purchase dairy products that have spoiled in storage could be used to pay this subsidy."

We suggest that subsidies be varied in relation to the quality of the products delivered by the individual producer.

We thank you for your interest in the problems of the dairy industry.

Sincerely yours,

LEWIS DICKERMAN, *President.*
ARTHUR OLIN, *Vice President.*
GERALD GREIVE, *Secretary-Treasurer.*
HERBERT WEIS,
WILLIAM RAHMAN,
ALFRED J. DRENCKHOLM,
MILTON SCHWARTZ, *Directors.*
GLENN G. HASSE, *Operator-Manager.*

Mr. HUMPHREY. Mr. President, I ask unanimous consent that 2 resolutions which I have received from the Louisville Farmers Union local, Red Lake Falls, Minn., favoring mandatory supports of 100 percent of parity for all farm commodities, and the development of more public power, be included in the body of the CONGRESSIONAL RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RED LAKE FALLS, MINN., *March 8, 1954.*

Hon. HUBERT HUMPHREY,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: We submit the following resolutions:

"RESOLUTION 1

"The Louisville Local, No. 36, goes on record favoring mandatory supports of 100 percent of parity for all farm commodities, based on the old parity formula.

"1. That oats, barley, flax, and rye shall be included as basics to receive the same consideration for mandatory supports of not less than 90 percent of parity, based on the old parity formula.

"2. That perishable commodities shall be supported on equal basis with nonperishable, and that these supports shall be made directly to the producer in the form of compensatory payments.

"RESOLUTION 2

"We, the Louisville Farmers Union Local, go on record favoring development of more public power; and are opposed to any legislation which will hinder the present method of distributing public power to our REA cooperatives and municipalities.

"We further resolve that under no condition should the preference clause or withdrawal clause be altered so that REA cooperatives must estimate their power needs in advance.

"We favor increased loans to REA cooperatives for transmission lines to transmit power from public power projects.

"We are opposed to the awarding of franchise to private power companies for building small dams such as was awarded to the Idaho Power Co. in Hells Canyon, as it does not develop our natural resources to their maximum, thereby depriving the people in those areas of an abundant supply of low-cost power."

LOUISVILLE FARMERS' UNION
LOCAL, RED LAKE COUNTY,
MRS. JOHN MAIER, *Secretary.*
LESLIE FLAGE, *President.*

Mr. HUMPHREY. What is the answer, Mr. President? Will the administration give the Senate an opportunity to vote on this question, or must we reach Black Thursday and let the drastic blow hit our dairy industry by default? The responsibility belongs to the administration, although many of its stanchest supporters in this body are just as concerned as I am over the dangers of letting dairy prices fall so drastically on April 1. Once more, I appeal for reconsideration. Once more, I appeal for the administration to agree that it would be only fair to avert this slash in dairy supports, until some decision has been reached on an overall farm program.

Let me say, as I conclude my remarks, that our economy is going down at the rate of an increase in unemployment of approximately 500,000 a month. This is nothing to laugh off. However, this kind of cut in the income of dairy producers can only add fuel to the flames of the recession.

I wish the Secretary of Agriculture would go to the President, or the President to the Secretary, and that they would give the Congress a few more months in which to devise a sensible program. Give us an opportunity to provide equity for our farm people. I say to the President of the United States and to his Secretary of Agriculture that if this dairy support slash is permitted to go into effect, the economic consequences will indeed be dire, and may well be disastrous. I wish to go on record in the Senate at this late hour by saying that if on April 1 this tragic economic blow falls on thousands of our dairy farmers throughout America, the economic consequences will be felt in every bank, every industry, every shop, and every factory. No one will be to blame except this administration.

I do not intend to stand idly by and see the economy of my State liquidated. I remember that upon one occasion the great Prime Minister of Great Britain, Mr. Churchill, said that he had not become the King's first minister to preside over the liquidation of the British Empire. Let me say that I did not become Minnesota's junior Senator to stand idly by in the Senate and watch the literal liquidation of a great dairy economy.

I speak here today for a State of 3 million people which is going to suffer economic troubles beyond what anyone can now foresee. I submit that this is nothing short of tragic. It is being accomplished by an edict, by an administrative order. It is being done at the will of the Executive and his Secretary. I call upon the President, who is a good man, a considerate man, to reconsider the action which has been taken by his Secretary. If the President does not know it now, his Secretary is an unpopular man in American farm areas. If the President does not realize it, let it come from one who wants to see our farm economy protected and preserved.

If this kind of policy is pursued American agriculture will be set back for years—not only agriculture, but every community and every business.

I appeal to the President as I have never appealed to any other man in public life, to take the action which is necessary to protect us and to give us time in the Congress to review the whole policy and to work with the President and the Secretary for a constructive and sensible solution to our difficulties.

Mr. SALTONSTALL. Mr. President, I should like to make one observation for the benefit of my friend from Minnesota, without entering into an argument with him on the subject. I am confident that the President of the United States, if I know him, certainly does not want to liquidate the economy of any State, but wants to do his utmost to solve the farm problem, which, as we all know, is extremely difficult.

Mr. HUMPHREY. I thank the Senator.

RECESS

Mr. SALTONSTALL. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 29 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 23, 1954, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 22 (legislative day of March 1), 1954:

COLLECTOR OF CUSTOMS

Bernhard Gettelman, of Wisconsin, to be collector of customs for customs collection district No. 37, with headquarters at Milwaukee, Wis., to fill an existing vacancy.

IN THE AIR FORCE

The following officers for appointment to the positions indicated under the provisions of sections 504 and 515, Officer Personnel Act of 1947:

Lt. Gen. Laurence Carbee Craigie, 61A (major general, Regular Air Force), United States Air Force, to be commander, Allied Air Forces, Southern Europe, with rank of lieutenant general and to be lieutenant general in the United States Air Force.

Lt. Gen. David Myron Schlatter, 62A (major general, Regular Air Force), United States Air Force, to be commandant, Armed Forces Staff College, with rank of lieutenant general and to be lieutenant general in the United States Air Force.

Maj. Gen. Thomas Sarsfield Power, 481A, Regular Air Force, to be commander, Air Research and Development Command, with rank of lieutenant general and to be lieutenant general in the United States Air Force.

Maj. Gen. Roger Maxwell Ramey, 91A, Regular Air Force, to be commander, Fifth Air Force, with rank of lieutenant general and to be lieutenant general in the United States Air Force.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 22, 1954

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Infinite and eternal God, whose divine providence is ever round about us, inspire our minds and hearts this day with faith and fortitude, with wisdom and understanding.

May this moment of prayer be a veritable moment of vision when the light of heaven shall fill our souls and dispel all fear and foreboding.

Grant that our whole life may be permeated and pervaded by a spirit which seeks to help mankind in its longings and hopes for freedom and peace.

May we give sympathy and encouragement to the brokenhearted and heavy laden who, in their sorrows and struggles, are tempted to yield to defeatism and despair.

Wilt Thou bestow peace of mind upon our wounded colleagues as they daily fight so bravely to regain health of body and to Thy name, through Christ Jesus, our Lord, we shall ascribe all the praise. Amen.

The Journal of the proceedings of Thursday, March 18, 1954, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communi-

cated to the House by Mr. Tribbe, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On March 10, 1954:

H. R. 711. An act for the relief of Mrs. Ruth R. Ekholm;

H. R. 749. An act for the relief of Shue-Fook Fung;

H. R. 788. An act for the relief of Beryl Williams;

H. R. 823. An act for the relief of Abraham G. Sakin;

H. R. 965. An act for the relief of Michael Demcheshen;

H. R. 1339. An act for the relief of Dr. Soon Tai Ryang;

H. R. 1495. An act for the relief of Louis M. Jacobs;

H. R. 1649. An act for the relief of Mrs. Gisela Walter Sizemore;

H. R. 2035. An act for the relief of Mrs. Michaline Borzecka;

H. R. 2387. An act for the relief of William M. Smith;

H. R. 2507. An act for the relief of Alfonso Gatti;

H. R. 2622. An act for the relief of Maria Teresa Ortega Perez;

H. R. 2623. An act for the relief of Jose M. Thomasa-Sanchez, Adela Duran Cuevas de Thomasa, and Jose Maria Thomasa Duran;

H. R. 2774. An act for the relief of Endre Szende, Zsuzsanna Szende, Katalin Szende (a minor), and Maria Szende (a minor);

H. R. 2817. An act for the relief of George A. Ferris;

H. R. 3236. An act for the relief of Constantin and Lucia (Bercescu) Turcano; and

H. R. 6130. An act to permit a first preference for former owners of certain dwellings being sold under Lanham War Housing Act.

On March 15, 1954:

H. R. 687. An act for the relief of Sister Walfreda (Anna Nelles), and Sister Amaltrudis (Gertrude Schneider);

H. R. 824. An act for the relief of Demetrious Konstantno Papanicolaou;

H. R. 828. An act for the relief of Dr. Vincenzo Guzzo;

H. R. 907. An act for the relief of Wolodymyr Hirniak;

H. R. 946. An act for the relief of Mrs. Louise Blackstone;

H. R. 1346. An act for the relief of Zia Edin Taheri and Frances Hakimzadeh Taheri;

H. R. 1358. An act for the relief of Dr. Marcelino J. Avecilla and Dr. Teodora A. Fidelino-Avecilla;

H. R. 1688. An act for the relief of Henry Ty;

H. R. 1795. An act for the relief of Helena Shostenko;

H. R. 1883. An act for the relief of Franklin Jim;

H. R. 2326. An act to amend the act of August 3, 1950, as amended, to continue in effect the provisions thereof relating to the authorized personnel strengths of the Armed Forces;

H. R. 2504. An act for the relief of Sisters Adelaide Canelas and Maria Isabel Franco;

H. R. 3005. An act for the relief of Charles Sabah;

H. R. 3275. An act for the relief of the Bracey-Welsh Co., Inc.;

H. R. 3455. An act for the relief of Jalal Rashtian; and

H. R. 3749. An act for the relief of Woldemar Jaskowsky.

On March 16, 1954:

H. R. 5773. An act to provide for the refund, under certain conditions, of money paid as premiums on United States Government life insurance or national service life insurance which is canceled for fraud; and

H. J. Res. 355. Joint resolution amending title V of the Agricultural Act of 1949.

On March 17, 1954:

H. R. 1967. An act for the relief of the Stebbins Construction Co.;

H. R. 2567. An act to amend the act of July 26, 1947 (61 Stat. 493), relating to the relief of certain disbursing officers; and

H. R. 2984. An act to prohibit reduction of any rating of total disability or permanent total disability for compensation, pension, or insurance purposes which has been in effect for 20 or more years.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 70. Concurrent resolution favoring the designation and observance of March 7 of each year as Friendship Day.

The message also announced that the Senate agrees to the amendments of the House to bills and a concurrent resolution of the Senate of the following titles:

S. 179. An act for the relief of Insun Lee;

S. 214. An act for the relief of Geraldine B. Mathews;

S. 1548. An act to provide for the exchange between the United States and the Commonwealth of Puerto Rico of certain lands and interests in lands in Puerto Rico;

S. 2108. An act for the relief of Lieselotte Sommer;

S. 2151. An act for the relief of Mrs. Ala Olejcak (nee Holubowa); and

S. Con. Res. 63. Concurrent resolution requesting churches and synagogs to give special prayers on Easter Sunday for those denied freedom to worship behind the Iron Curtain.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 3832) entitled "An act for the relief of Mrs. Orinda Josephine Quigley," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WILEY, Mr. BUTLER of Maryland, and Mr. KILGORE to be the conferees on the part of the Senate.

SPECIAL ORDER GRANTED

Mr. ANGELL asked and was granted permission to address the House today for 10 minutes, following the legislative business of the day and any other special orders heretofore entered.

WHAT IS GOOD FOR THE COUNTRY IS GOOD FOR GENERAL MOTORS

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, in the debate on the floor of the House on the Internal Revenue Act, on March 18, last, the gentleman from Georgia [Mr. LANHAM] was making an address and at one point he misquoted Mr. Wilson, Secretary of Defense, to the effect that Mr. Wilson said, "What is good for General Motors is good for the country."

At that time I asked the gentleman to yield for a correction and he refused to yield. I am getting a little tired of that constant misquotation which has been denied many times and never did occur. It is a smear type of attack, and I think it should cease.

Mr. Wilson's statement was: "What is good for the country is good for General Motors." He did not say: "What is good for General Motors is good for the country." His correct statement appeared in the November 13 issue of the U. S. News & World Report among other places.

I think that sort of misquotation should cease on the part of my good friends on the right.

The SPEAKER. The time of the gentleman from Missouri has expired.

A SPIRITUAL STAMP FOR CHRISTMAS

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the world is triggered for self-destruction.

Unless, unless we invoke the help of our Divine Creator to control the hideous power that, once unleashed in all its fury, could ravage the face of the earth.

At this anxious time in man's history we need to pray for His guidance.

We need His redeeming love to save humanity from the disaster, final and obliterating, that it may bring upon itself.

We must find the lost road to hope and redemption that begins with Christmas, the birthday of Christ, and the symbol of faith to men of all creeds.

We in the United States are inclined to depend upon our massive material power to protect us. Yet, we are uneasy. First, we put together the A-bomb and feel secure for a while, until the Communists match us. Then we go out ahead with the H-bomb, but they catch up with us. Year by year physical power and nervous tension mount, building toward a worldwide explosion that will only result in mutual defeat and chaos, unless we turn to God.

Our Founding Fathers did, but somewhere along the way we transferred our reverence to material power that fails to bring us peace or good will.

Deep in our hearts we sense this want.

President Eisenhower began his inaugural address with a prayer, because he sensed the limitations of man in dealing with the soul-shaking problems of our times.

Up and down our land are the signs of reviving faith, as Americans realize that it will take more than nuclear energy to survive.

I believe the time has come for our Republic to assert its trust in God as opposed to atheistic communism.

A step in this direction would be the issuance of a special Christmas stamp by the United States Post Office Department to commemorate this blessed day.

A crusade for spirituality is as necessary as the crusade for freedom in combating the modern paganism that would enslave the world.

To mobilize the finest of our own resources, and to bring hope to oppressed peoples everywhere.

Even behind the Iron Curtain, where mail from the United States will bear the stamp of our belief in God, and give courage to those who look to us for something more than material help. That will appeal to the deepest longings of their hearts.

I am indebted to the Reverend Clinton W. Carvell, of the Trinitarian Congregational Church in North Andover, Mass., for this inspiring idea.

As the Reverend Carvell suggests:

Due to the fact that Phillips Brooks was the author of the famous Christmas hymn O Little Town of Bethlehem, it would seem to me that a stamp with his picture on it, and possibly a few notes of the music scale with the first line of the hymn, would be most fitting and proper.

Gifts and toys have their place in the celebration of Christmas. But we must never forget that the coming of the Christchild lifted humanity from despair and brought it the grace of redemption, then and now.

Tens of millions of Americans, irrespective of race or creed, hunger for this affirmation of our belief in a higher power. One that will give meaning and direction to our leadership in behalf of freedom.

A Christmas stamp honoring the brotherhood of man under the fatherhood of God will bear testimony to the eternal truths by which we must set our course.

It will be a sign of our unity and our faith for peace on earth, good will toward men.

PARITY FORMULA FOR MILK AND BUTTERFAT

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. JOHNSON of Wisconsin. Mr. Speaker, on March 15 I introduced H. R. 8388, to extend support prices on dairy products at 90 percent of parity after April 1 for a period of time until the Congress of the United States can formally adopt a program to cover milk and butterfat.

It is only 10 days, until April 1, when Secretary of Agriculture Benson's program for lowering dairy supports to 75 percent goes into effect.

I wish to state that I have written to all of my colleagues on the House Committee on Agriculture urging them to give this matter their immediate attention. I hope that the committee does take action, because the economic situation in the dairy industry has become critical.

It is my understanding that no other bill has been introduced to take care of this pressing problem facing the dairy industry as of April 1. I wish to state that I do not care if my bill or some other bill—urging the same action—is reported out by the committee, but something should be done at once.

SPECIAL ORDER GRANTED

Mr. PRICE asked and was given permission to address the House for 15 minutes today, following any special orders heretofore entered.

BRIG. GEN. PATRICK J. RYAN

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MARSHALL. Mr. Speaker, the people of Minnesota and the 6th District are proud of Brig. Gen. Patrick J. Ryan, who has been nominated by the President to be Army Chief of Chaplains with the rank of major general.

Monsignor Ryan's record of distinguished service to his church and to his country make him a worthy candidate for this high honor. The President is to be commended on the wisdom of entrusting the spiritual care of our Army to the able leadership of this soldier-priest.

During World War II, General Ryan went to north Africa with the Third Infantry Division and became Chief Chaplain of the Fifth Army in 1943. He served with it in the campaigns in Sicily and Italy.

As testimony to his untiring devotion to the men of our Army, he wears the Legion of Merit and the Bronze Star as well as the decorations of three grateful foreign governments.

Pope Pius XII elevated him to the rank of domestic prelate in 1947 with the rank of right reverend monsignor.

Commissioned in the Regular Army in 1928, Monsignor Ryan's military service is marked by various assignments of responsibility which have given him wide experience in the spiritual ministry of the Armed Forces.

He has served as the director of plans and training in the Office of the Chief of Chaplains and has twice served as Deputy Chief of Chaplains. His previous service at Walter Reed Hospital and with our armies in the field in war and peace have given him a deep insight into the problems of our soldiers.

General Ryan was born and raised in Manannah, Minn., and completed his undergraduate education at St. Thomas College in St. Paul, Minn. He prepared for the priesthood at St. Paul Seminary and later served St. Helena's parish in Minneapolis before entering the Army.

A man of strong faith and stout courage, General Ryan will continue to give generously of his talents to strengthen the religious life of the Army and to give every man the opportunity to worship in his own faith and to have the guidance of his ministers. The great obligation of a nation rooted in Christian tradition to provide for the spiritual care of its men in arms will be faithfully discharged under his leadership.

We Minnesotans congratulate both General Ryan and the Army on this worthy appointment.

Mr. O'HARA of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Minnesota.

Mr. O'HARA of Minnesota. I should like to join with the gentleman in honoring General Ryan, whom I have known for many years and who I know is very much loved in and out of the service for the fine capabilities that he has as Chief of the Chaplains. I congratulate the gentleman from Minnesota for having the honor of representing the district from which Monsignor Ryan comes.

Mr. MARSHALL. I thank the gentleman.

THE PANAMA CANAL AND THE PANAMA RAILROAD

Mr. THOMPSON of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMPSON of Texas. Mr. Speaker, in 1950 the Congress had occasion to consider certain basic legislation relating to the reorganization of the Panama Canal, the Panama Railroad Company, and their respective administrations. I had the honor of serving as chairman of the subcommittee which reported that legislation to the House. The reorganization which our subcommittee recommended was approved in Public Law 841, 81st Congress.

Much concentrated work and study were devoted to the deliberations of our committee. The accounting procedures to be employed in connection with the reorganization were thoroughly examined and were, in some detail, spelled out in the legislation in a manner designed to permit conscientious executives of the reorganized agencies to carry out the basic philosophy and policy of the legislation which our subcommittee recommended.

In brief, that philosophy and policy contemplated the establishment of a business type of organization for the operation of commercial enterprises—including transits—at the canal, a business type of accounting for the canal functions, proper charges to national defense on an equitable basis, and proper segregation of each of the various enterprises in the Canal Zone. It was contemplated that the reorganized enterprise would be self-supporting, as a whole, and in each of its component parts.

A commercial audit was made by a nationally recognized firm of accountants, and for the first time in its history, the Panama Canal was appraised in the light of its primary purpose, namely, the business-like operation of a great transportation facility. The subsequent accounting system, and the application of the figures so obtained, were now used to fix the tolls charged to the users of the canal. All of this was according to the intent of the Congress when the 1950 act was passed.

It is fair to say that, as a result of the enactment of that legislation, considerable progress has been made in the areas which it was designed to cover. Certain improvements in business-type practices which have been adopted are directly attributable to the 1950 legislation. The reorganized enterprise has not only paid its own way, but has shown a considerable annual return to the Government since 1950 over and above all expenses and the annual interest and depreciation charges provided in the legislation.

Certain proposals involved in connection with the 1955 budget, however, appear to circumvent the policy of the 1950 act. These include, among other things, the budget method of allocation of general corporate charges—the net cost of civil government, interest, and general and administrative expenses—among the corporate divisions of the Company, proposals for amortization of certain charges, and a proposal of an establishment of reserves for repairs and improvements of the canal.

In the course of the 1950 legislative history, these subjects were seriously considered by our subcommittee. With respect to allocation of the net cost of civil government, we provided in that legislation that substantial weight should be given to a precise formula. With respect to amortization, we deliberately omitted this item from section 412 (b) of the 1950 bill after careful consideration. With respect to the establishment of reserves for repairs and improvements no such program as is now being proposed was contemplated in the legislation.

A basic premise of the 1950 act was that within its framework sound accounting practices would be conscientiously followed by the canal administration and related agencies to make effective the careful program which the 1950 act laid out. Proposals for departure from the express or implicit provisions of that act require further legislation, Mr. Speaker, before they can be properly adopted. Before overturning our careful work on the subject, those making such proposals should submit them to the appropriate legislative committees so that they may have as thorough and comprehensive consideration as we gave them in 1950. Certainly, the Congress is entitled to know who opposes the act, and why.

Until legislation is so considered and revised, the mandates of the 1950 act should be carefully followed by the canal administration.

SPECIAL ORDER GRANTED

Mr. POWELL (at the request of Mr. McCORMACK) was given permission to address the House for 15 minutes on Wednesday, March 24, following the legislative program and any special orders heretofore entered.

UNEMPLOYMENT

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, our Democratic friends have been telling us a lot about unemployment, bemoaning the fact that so many are out of jobs. Of course, we sympathize with them in that respect. We sympathize far more with the unemployed. But it occurs to me it might be helpful if our Democratic friends would join in the enactment of legislation which would in some degree at least prevent some of this unemployment.

The press calls attention to the fact that 100 bakers over in Baltimore are striking and that as a result 3,000 A. & P. employees are out of a job. Who really causes this unemployment we do not know. How long are we going to go along with legislation that permits a man, because he does not want to work on the terms offered, to prevent 100 or more times that number from going to their jobs—jobs which they must have if they are to make both ends meet?

Mr. NICHOLSON. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Massachusetts, one of the ablest, most industrious Members of the House.

Mr. NICHOLSON. Have we not more people employed in the United States today than we have ever had in the history of our country?

Mr. HOFFMAN of Michigan. I do not know about that, though I think the gentleman is correct in assuming we have. Maybe too many people have been coming into the country too fast, maybe too many are being born and growing up. All I know is we have this situation of unemployment, and because of it up in the Northeast some of your factories may go to the South. I hope not.

SEVENTIETH ANNUAL REPORT OF THE UNITED STATES CIVIL SERVICE COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 261)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

I am transmitting herewith the 70th Annual Report of the United States Civil Service Commission. This report covers the fiscal year ended June 30, 1953.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 22, 1954.*

DISTRICT OF COLUMBIA PUBLIC WORKS ACT OF 1954

Mr. LATHAM. Mr. Speaker, I call up House Resolution 479 and ask for its immediate consideration.

CALL OF THE HOUSE

Mr. HAYS of Ohio. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

Mr. HALLECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 36]

Albert	Hand	Osmers
Battle	Harrison, Va.	Patman
Becker	Hart	Patten
Bentley	Heller	Patterson
Boland	Hess	Powell
Bonin	Hillings	Radwan
Boykin	Hinshaw	Reed, N. Y.
Bramblett	Holt	Regan
Brown, Ohio	Holtzman	Richards
Buckley	Howell	Rivers
Celler	Hunter	Roberts
Chelf	Javits	Rooney
Chudoff	Jensen	Roosevelt
Clardy	Jones, Ala.	Scott
Colmer	Judd	Shafer
Condon	Kearney	Shelley
Corbett	Kelley, Pa.	Short
Cotton	Keogh	Smith, Kans.
Coudert	Kersten, Wis.	Steed
Delaney	Klein	Stringfellow
Dingell	Lucas	Taylor
Dodd	Lyle	Thornberry
Dollinger	McConnell	Tuck
Donovan	McCulloch	Velde
Dorn, N. Y.	Martin, Ia.	Weichel
Evins	Mason	Wharton
Fine	Miller, N. Y.	Whitten
Fino	Morano	Williams, N. J.
Graham	Morgan	Wilson, Ind.
Granahan	Moulder	Winstead
Green	Neal	Withrow
Gwinn	O'Konski	

The SPEAKER. On this rollcall 333 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DISTRICT OF COLUMBIA PUBLIC WORKS ACT OF 1954

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8097) to authorize the financing of a program of public works construction for the District of Columbia, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the District of Columbia, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on the District of Columbia, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on the District of Columbia may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage

without intervening motion, except one motion to recommit.

Mr. LATHAM. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Virginia [Mr. SMITH] and at this time I yield myself such time as I may consume.

Mr. Speaker, this bill makes in order consideration by the House of H. R. 8097 to authorize the financing of a program of public works construction for the District of Columbia and for other purposes. It is a closed rule, waiving points of order against the bill, but amendments may be offered by direction of the committee. One motion to recommit is in order. Two hours of general debate are provided by the resolution.

In the District of Columbia it is necessary to finance a public works program—water supply, sanitary and sewage programs, as well as highway and bridge problems. In addition the fire, police, and other departments and programs must be provided with adequate funds in order to operate.

This bill will provide those funds and is in line with the request of the Commissioners of the District of Columbia. It is also in line with an expression from the Federal Bureau of the Budget. I see no need for extended discussion on the rule. I hope the resolution passes.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from South Carolina.

Mr. McMILLAN. May I ask the gentleman, Is this setting a precedent, the granting of a rule on bills for the District of Columbia? We have a special day set aside to consider District legislation. Now, is this a precedent?

Mr. LATHAM. Does the gentleman mean the closed rule?

Mr. McMILLAN. Yes.

Mr. LATHAM. This is a closed rule, which is customary with tax bills like this.

Mr. McMILLAN. We passed a bill here in 1949 of considerable importance and we did not go to the Rules Committee. We worked on that bill for 3 days and did not have a rule. Is this setting a precedent?

Mr. LATHAM. I will leave that to the gentleman.

Mr. McMILLAN. I thank the gentleman.

Mr. SMITH of Virginia. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois [Mr. PRICE].

Mr. PRICE. Mr. Speaker, I ask unanimous consent to speak out of order.

Mr. HALLECK. Mr. Speaker, reserving the right to object, and I am not going to object, I think as a general practice it would be better, when we have matters such as this about which there is an urgency, that we should proceed to the consideration of the matter before us and to its enactment and reserve until that has been accomplished speeches that may be out of order. I recognize there are different conditions that prevail from time to time and I am not going to object, but no one knows what this out-of-order speech will involve. It might suggest something to someone else to talk about and once that door is open we are off.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. I suggest to the majority leader that he be very careful about objecting on occasions of this kind, because it has not been the practice in the past. We have not objected when similar requests have been made, when we were in control. Of course, I recognize what the gentleman has in mind, and I think the matter can be adjusted. But I think one should hesitate to object too much, because it is a very sensitive situation.

Mr. PRICE. Mr. Speaker, I certainly think this matter important enough so that I should like to have a reasonable number of Members present on the floor when I make these remarks. I had anticipated making these remarks under a special order later in the day, but, realizing what the situation was and knowing that only few Members would be present at that time to hear these remarks, I asked for time at this time, because I thought this matter important enough that the membership should hear them.

THE LOSER HAS ALREADY BEEN THE UNITED STATES ARMY

Recent events have deepened my concern about the national security of the United States. We must of necessity place great reliance in these tense days of international cold war upon our armed services and particularly the men who lead our military forces. As every taxpayer knows, too well, we are spending huge amounts of our national wealth in maintaining giant forces in military men and machines. As investors, all the American people have a vested interest in the effectiveness of our military organization.

It seems unnecessary to remind these investors of the valiant record of our armed forces, under able leadership, in recent wars against Nazi and Fascist dictatorship in World War II and against Communist totalitarianism in the Korean war.

Recent events have indicated, however, that certain forces within the United States now seem to be making headway in doing what Nazi, Fascist, or Communist forces were unable to do—the damage to, or destruction of, the morale and fighting spirit of our Armed Forces.

Military commanders since the beginning of the unfortunate institution of warfare have recognized the vital importance of morale among fighting forces. A military force whose morale has been shattered becomes an already half-defeated force. Morale of the fighting forces is one of the most vital concerns of the leadership of the Armed Forces. Undoubtedly it takes capable and respected leadership in order to promote a high morale.

I call to your attention a report issued by a special committee of high-ranking officers of the Armed Forces last October. This committee, composed of admirals and generals of the Army, Navy, Air Force, and Marine Corps, reported that, in their own words:

> Military service as a career that will attract and hold capable and ambitious personnel had deteriorated alarmingly in comparison with other fields of skilled endeavor.

This committee, under the chairmanship of Rear Adm. J. P. Womble, Jr.—and generally known in the Pentagon as the Womble committee—made a thorough study of the reasons for "the growing lack of confidence among Armed Forces personnel in military service as a worthwhile and respected career."

A number of reasons were cited for this growing lack of confidence, but in light of recent events involving the Army, the following conclusion of the committee needs recalling:

> There exists an unwholesome amount of irresponsible criticism of the implementation of our national defense policies. The more vociferous of critics aim their slanderous attacks at our military leaders.

The committee cautions that—

> The continued degradation of carrer military officers, as a class, can eventually do irreparable damage to our ability to attract and retain capable personnel. Able and conscientious men will not indefinitely continue in a profession dishonered by public criticism.

The storm of charges and countercharges now raging in Washington over the United States Army is a national disgrace. No one can win this fight to determine who is lying and who is telling the truth except our enemies abroad. The loser has already been the United States Army.

If the Womble committee should resurvey the problem of military morale today they would undoubtedly find that morale had deteriorated even further. There should be a nonpartisan feeling of concern with what is happening to one of our greatest institutions—the United States Army—in recent months. Americans have a right to demand that the proper and responsible leaders of this country get to work quickly and clean up the new and greatest mess in Washington. We face the threat, in the midst of international tension, of serious damages to our military institutions from irresponsible forces within our own country.

Mr. SMITH of Virginia. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this rule is for the consideration of a rather monumental tax bill for the District of Columbia, involving a great many intricate tax problems in the District.

I rise in response to the suggestion by the gentleman from South Carolina that this matter of a closed rule on this type of bill is unprecedented so far as the District of Columbia is concerned. It is not comparable, however, to the bill to which the gentleman from South Carolina refers, which was a sales-tax bill. This bill involves almost every subject of taxation in the District.

The situation is that public works in the District have in recent years, owing to lack of funds and owing to the fact that the District, unlike any other municipality in the United States, cannot borrow money in the public market as any other city can, have been forced to operate strictly on the pay-as-you-go plan. In recent years, owing to the large increase in the cost of all public works, the permanent public works of the District have deteriorated to such an extent that the situation has become alarming. For something like a year the District Commissioners, who are the governing body of the District, have been devising a plan to bring about sufficient revenue to correct these deficiencies.

A deficiency, for instance, exists in the water supply of the Capital City. It is now operating at beyond its capacity. It is absolutely essential that this deficiency be corrected. Our public institutions for child welfare, for hospital services for the indigent, are all desperately in need of additional capital facilities. So the Commissioners devised a plan of public works which substantially is set forth in this bill.

When the bill got to the House Committee on the District of Columbia it was referred to the Subcommittee on Fiscal Affairs, of which I happen to be a member. In accordance with the custom that has prevailed in fiscal affairs in the District, we had joint sessions with the Senate subcommittee on the same subject. Those hearings lasted for weeks. We put in a great deal of time on it, and we put in a great deal of study. In final conclusion of that work, this committee felt this additional burden of taxation should be spread over all fields of taxation and that is what we have provided. We have no drastic rates in any field, but we did try to spread this load as far as we could and as equitably as we could over the whole taxable population of the District of Columbia.

The reason we have come here with a closed rule is the same reason that the Committee on Ways and Means came here with a closed rule last week. Because you can take a tax bill covering many subjects and you can take one little item in it which seems inconsequential, but it throws the whole program out of gear, if it is changed. For that reason, our committee decided, as well as the subcommittee and the full committee with almost complete unanimity, although I think there were a couple of votes against the bill because of a difference of opinion relative to some minor item—we concluded that the best thing that we could do for the District, and the best thing we could do for the Congress and the country was to say to you gentleman and ladies, frankly, that we have put in a lot of time and thought and study on this bill, the District Commissioners have done the same thing, the subcommittee of the other body has done the same thing, and, therefore, we bring it to you as a package and say to you, "This is the best we can do. Let us take it or leave it because if you go to trying to cut it to pieces, you will find that some of your very vital public works are going necessarily to be eliminated. We think this is the best we can do. We think the House, if they try to write it on the floor would not do better. We hope you will take it, but if in the wisdom of the House it is not considered a good bill, then vote it down and send it back to us and we will try again."

Mr. Speaker, I have no further requests for time, and yield back the remainder of my time.

Mr. LATHAM. Mr. Speaker, I yield as much time as he may require to the gentleman from Illinois [Mr. SIMPSON].

Mr. SIMPSON of Illinois. Mr. Speaker, in my 12 years of serving as a member of the District of Columbia Committee, this is the first time for me to see a request for a closed rule on District legislation. The members of the committee voted instructions requesting the closed rule. The only thought behind it was because the public works bill is a tax raising measure.

In my 12 years as a Member of this body, Mr. Speaker, I have never seen a tax raising measure be reported to the House except under a closed rule. This has been the case regardless of which political party thought they were in power.

Chairman O'HARA, of Minnesota; Mr. TALLE, of Iowa; Mr. ALLEN, of California; Mr. GUBSER, of California; Mr. SMITH, of Virginia; Mr. HARRIS, of Arkansas; and Mr. JONES, of Missouri, of the Fiscal Affairs Subcommittee, worked long and hard with the Senate subcommittee in joint hearings. In my opinion, as chairman of the House District Committee, all of them deserve the appreciation of the House and those affected living in the District of Columbia. The public improvements are needed. They have been needed for a long time. In fact the improvements are overdue.

To me it is the duty of the House to help provide them. To me it is the duty of this body to provide them adequately. I mean by adequate, proper and sufficient Federal contribution. If it is not our duty, then Washington should be given the so-called home rule.

Article I, section 8, clause 7, of the Constitution states as follows:

> To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding 10 miles square), as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the Sate in which the same shall be, for the erection of forts, magazines, and arsenals, dockyards, and other needful buildings.

This section of the Constitution which states "and other needful buildings" covers exactly what the public works bill proposes to do.

When the District of Columbia was set up, the Congress taking jurisdiction for these square miles, the framers in Congress did not and could not have realized what future Congresses and generations would be confronted with. If they could have foreseen sewers, schools, roads with automobiles, and hospitals, they might have set up the District in a different manner. They probably would not have let the Virginia area be retroceded to her. If they had known about traffic, and Washington's future need for bridges, they would not have located the District where it is with the now impure Potomac flowing by it.

But they did do just that, Mr. Speaker. Now all any of us can do is make the best of it. This is exactly what the joint committee has done in the public works bill. No subcommittee member, or House member, likes taxes any more than those who will pay them in this instance. Everyone regrets taxes on food and other necessities. The rich and those not so fortunate need sewers, roads, hospitals, schools, and bridges.

Let us help them be obtained. I hope this rule is adopted. I hope the House passes the public works bill so badly needed. It has been approached on a nonpartisan basis. President Eisenhower requested in his budget message:

> I strongly recommend enactment of legislation to finance the expanded public works construction urgently needed in the Nation's Capital.

All admit the need. The other body which does not operate on a closed rule basis can work their will. It should be done today in order that the Appropriations Committee can meet their responsibility for this coming fiscal year.

Mr. Speaker, I cannot but remind any Member, who sponsors any revenue change in the resolution, that such change must be made up in additional taxes or a greater Federal contribution.

Mr. Speaker, a good thing to remember, and a better thing to do, is work with the construction gang and not the wrecking crew.

Mr. LATHAM. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. O'HARA of Minnesota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8097) to authorize the financing of a program of public works construction for the District of Columbia, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 8097, with Mr. GROSS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield myself 22 minutes.

Mr. Chairman, as has been indicated by the speakers who have spoken on the rule, this is a bill which is of tremendous importance to the Nation's Capital and to the District of Columbia. About 2 years ago, the then Commissioners of the District and a group of citizens of the District became concerned over the public works of the District of Columbia. They were concerned over the question of an adequate water supply and over the sewerage system, which was badly in need of replacement. At the present

time parts of the sewerage system are 99 years old. And also we are confronted with the problem of the lack of school facilities, of proper hospital facilities, of homes for the aged and the children, and as to the general welfare program of the District.

The income of the District, which has increased on the one hand, has been met by an overwhelming increase in the matter of expenses, largely salaries of employees of the District of Columbia which have been increased; so that those in charge of the administrative duties of the District met with various citizens of the community to formulate a program. The Commissioners and citizens groups have worked for approximately 2 years in working out this program. The chairman of the District of Columbia Committee, the gentleman from Illinois [Mr. SIMPSON] introduced a bill to meet the problem of financing the needs of a public works program. Subsequently, and on four separate days, and by agreement between the fiscal affairs committees of the Senate and the House, the separate committees met and in joint session considered the problem. Let me say that at that hearing every citizen and every group in the District of Columbia was afforded an opportunity to be heard. There was a tremendous number of witnesses who appeared and testified; individuals, representatives of citizens groups, the Commissioners, members of the various business and commercial organizations in the city; and, in addition, many individuals and many groups filed statements as to their views.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the distinguished gentleman from Massachusetts.

Mr. McCORMACK. Without expressing my opinion on this particular bill, is it not the gentleman's viewpoint, which is mine at least, that one of the most challenging problems of an individual in public life is the conduct of municipal government, particularly when you get into the metropolitan areas, like the city of Washington and large cities, but even most any municipal government, because their field of taxation is very limited, confined overwhelmingly to property tax. That, with the rising costs, and essential services which have to be rendered, makes it a great responsibility and a great challenge.

Mr. O'HARA of Minnesota. I thank the gentleman. I agree with him completely. The problem in Washington, permit me to say to the gentleman, is particularly peculiar to the city of Washington. It is the Nation's Capital; yet, while other cities of metropolitan size have a tremendous taxing problem, they have an opportunity to grow and to take in additional territory. But the District of Columbia is limited by our Constitution to an area of 10 miles square. Out of that 10 miles square there can be no expansion of the District of Columbia except by changing the Constitution.

Mr. McCORMACK. And I think we have re-ceded some of that 10 square miles back.

Mr. O'HARA of Minnesota. I think that is true. But whatever there is left, the taxable area of that which is left, is only 47.6 percent of the land area.

The United States Government owns 42.8 percent; the District of Columbia and municipal operations take in 3.5 percent, and included in the exempt classes are the exempt property of the churches and other exempt institutions. Here we have the various embassies of foreign governments which are tax exempt, and those other exempt properties amount to 6.1 percent. So that in the area of Washington there is such a limited area that we have subject to taxation only 47.6 percent of the real estate, a condition that exists in no other city in the United States or perhaps in the world.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield.

Mr. KEARNS. I first want to compliment the chairman of the subcommittee on the marvelous job he has done. Secondly, I would like to point out that when George Washington was first President of the United States, when he laid out the 10-mile area as our distinguished minority leader just mentioned, he put great boulders on that 10-mile boundary. But do you know that today, so I was informed by General Grant 3d, there are only 5 of those boulders we can find that laid out the original area of the District of Columbia.

With this planned program you have brought us, Mr. Chairman, you have done such a magnificent job, I think it is only reasonable that we as Members of Congress should support you and your committee on both sides of the aisle in this long-term program. I compliment the committee.

Mr. O'HARA of Minnesota. I thank the gentleman. Permit me to say these hearings of the joint committees were the most serious and earnest attempt of every member of the joint committee. I know of no group that has worked harder than the committee of the House which made up the fiscal affairs committee; and I am speaking of both sides of the aisle. They have made a great contribution to this bill and any credit is due to them rather than to myself.

Following the hearings, Mr. Chairman, the joint committees made their recommendation as to the type of bill they felt would meet the problem. Let me say that the joint committee did not agree as to the raising of the money with what had been proposed by the District Commissioners. There was no dispute that I know of, no witness who questioned the need for the overall public works program who appeared before us. I know of no one here who denies the great need for and the responsibility of providing a long-range public-works program for the city of Washington and the Nation's Capital.

The serious thing on which there is disagreement is the amount of taxes, and I want to be frank with you as to my own viewpoint in that regard.

The bill which the Commissioners brought before us was not fiscally sound in my opinion and in the opinion of every member of our subcommittees. They felt that it did not raise the money; in fact, it was short about a million dollars a year in the raising of funds that were necessary to meet the program. So the committee found it necessary to analyze the entire financing of the program.

There are $90 million of bonds involved in this bill authorizing the Commissioners to borrow from the Federal Government at the going rate of interest for what may be necessary for the following up of construction of highways, sewers, and waterworks programs.

But there was another provision of $40 million which was requested by the Commissioners and recommended by them to go into the general fund. The committee felt that the money necessary to be raised could be raised by spreading out, as the gentleman from Virginia [Mr. SMITH] said, over the District generally, thereby securing enough funds to take care of the financing of this general fund without the need of a bond program. That bond proviso was stricken out.

The committee then proceeded with the problem of raising sufficient money to meet the problems of the general fund as it existed and to eliminate the raising of the $40 million. Let me say to you that out of this program there is provided for general construction the sum of $129,746,000, which includes storm sewers, $46 million; schools, $34 million; Public Health, $14 million; Public Welfare, $9 million; penal institutions, $8 million; and some $16 million covering the expansion of facilities for recreation, sanitation, libraries, and public safety.

Mr. AUCHINCLOSS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman from New Jersey.

Mr. AUCHINCLOSS. The gentleman referred to some $90 million to be borrowed by the District from the Federal Government.

Mr. O'HARA of Minnesota. That is right.

Mr. AUCHINCLOSS. That is not all to be borrowed in 1 year, is it?

Mr. O'HARA of Minnesota. No. That will be borrowed by the Commissioners as the needs of the program develop. That is, there will be heavier borrowings in certain years than in others. At the start of the program I do not presume it will be necessary to borrow the first year; but under this act, as the program develops administratively, they have the authority to borrow as needed. It allows a flexibility which I think is important, I may say to my distinguished colleague.

Mr. AUCHINCLOSS. That borrowing also comes under the purview of the Appropriations Committee, does it not?

Mr. O'HARA of Minnesota. The expenditures do. The Commissioners must come each year under this program and their program must be justified by the Appropriations Committee.

Mr. AUCHINCLOSS. In other words, the Federal Government, the Congress, still has control over that borrowing?

Mr. O'HARA of Minnesota. Exactly.

Mr. AUCHINCLOSS. I thank the gentleman.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman from South Carolina.

Mr. McMILLAN. I realize the gentleman has gone over this bill extremely thoroughly. Can he give us any idea or

estimate of how much the Federal Government will advance over the 10-year period?

Mr. O'HARA of Minnesota. Will the gentleman let me proceed with my presentation briefly of the overall program? Then I will be happy to come back to that question.

Mr. McMILLAN. Will the gentleman also advise me if anyone questioned as to how they expect to spend these funds?

Mr. O'HARA of Minnesota. Yes, there were quite a few questions asked.

Mr. McMILLAN. Is this to be spent freely all over the city?

Mr. O'HARA of Minnesota. I may say that we get a chance to look over it before they start on it.

In connection with the construction of highways the sum of $111,908,000 is authorized for the purpose of the construction of various streets, highways, freeways and possibly bridge construction which confronts the District of Columbia. May I say to the gentleman that before that program is laid out there will have to be some review of the matter by this committee, the Committee on the District of Columbia, as well as by the Appropriations Committee.

In addition, there is a waterworks program of $35,788,000 and a sanitary and sewage-works program of $27,854,000.

All of these tremendous amounts of money go into things that are absolutely necessary for the operation of the District government. This bill does provide—and I am now addressing myself to the question asked by the gentleman from South Carolina—for increased water rents. It adds a sewer rent. That is chargeable in the same degree for the use of those facilities by the Federal Government or the individuals of the District.

In addition to that, let me say that this bill authorizes the increase of the Federal payment from $11 million to $20 million, and that is considered by the subcommitee to be a fair contribution in the overall picture considering the needs of the District and the area of land occupied by the Federal buildings. The general revenue raised by all of these various taxes involved is the sum of $32,049,500 annually. In the general fund alone it is increased an estimated amount of $18,288,000. We must keep in mind that the program in the 10 years means a disbursement of about $30,530,000, annually.

Now, I do want to say that I think this is a rough outline of the problem that confronts the District and the needs of the District and the need for raising revenue.

Does my colleague the gentleman from Minnesota [Mr. WIER] desire that I yield to him?

Mr. WIER. I do. The gentleman is the last Member of this House that I like to reach a disagreement with. To what extent have you increased or added sales taxes to this bill?

Mr. O'HARA of Minnesota. Strictly speaking, as to sales tax, there has been 1 percent added to groceries; the food that is bought.

Mr. WIER. What does that make the grocery tax now?

Mr. O'HARA of Minnesota. Well, that is the first tax that has been imposed upon groceries.

Mr. WIER. Then you are adding groceries to the already taxable commodities?

Mr. O'HARA of Minnesota. That is right, except we are limiting the tax to 1 percent.

Mr. WIER. What is anticipated that that will bring in?

Mr. O'HARA of Minnesota. About $3.5 million, as I recall, or approximately.

Mr. WIER. May I add in reply to my good colleague from Minnesota that he puts me in a bad spot here in supporting this bill. The bill comes in here under a closed rule. Formerly on this sales-tax problem here in the District there were some of us who opposed it under the open rule by amendment. The gentleman knows my position on sales tax in Minnesota. I certainly cannot go someplace else and levy a sales tax in some other part of the United States and go back home and maintain my position of being opposed to a sales tax. So, that puts me in a position now of having to vote against the bill.

Mr. O'HARA of Minnesota. I was hoping, let me say to my good friend, if it would hurt him to vote against the bill, that he would absent himself from the Chamber or something of that nature. I realize the gentleman's position, and I think we are a little gunshy up in Minnesota about a sales tax. But, nevertheless, that is the privilege of the people of Minnesota.

However, I do want to say to the gentleman that this bill means the greatest boon in unemployment, if it comes, that I can think of. To the laboring man, to the workingman, of the District of Columbia, this very program is the greatest guaranty to him for 10 years that I can think of, because we are going to have to meet unemployment, as the gentleman knows.

Mr. WIER. Let me add, that is the trap I find myself in. Of course, I have been doing all I could to encourage public works in this Nation at this time.

Mr. O'HARA of Minnesota. I think the gentleman is right.

Mr. WIER. I hate to vote against a bill that has for its purpose public works and employment. But there are other matters that are very important, too. Certainly you cannot finance a public-works bill in the United States with a sales tax.

Mr. O'HARA of Minnesota. No; the sales tax is only a small part of it.

Mr. McMILLAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to congratulate the members of the Fiscal Affairs Subcommittee on the fine work and the hard work they did in bringing out this bill that we have before us today. I find myself in disagreement on certain points of the bill, but I do recognize that they were facing a tough problem in trying to dig up some money to carry on a public-works program in the District of Columbia. I do think they could have brought us a bill a little more simple than this one. The bill we have today is rather complicated and, in my opinion, you are going to drive a lot of business away from the District of Columbia.

Mr. Chairman, I find it rather difficult to understand why the District Commissioners would recommend to the Congress legislation that would certainly chase business from the District and would reduce the District revenue rather than increase it. For example, the city of Washington for a number of years traditionally had a low tax on gasoline and, in fact, for a number of years there was no District tax on gasoline since practically every street and road in the District was paved. The Highway and Traffic Department operated successfully from the revenue collected from automobile license tags, drivers' permits, and property taxes. In 1949 I was a member of the committee that framed and enacted the present 2-cent sales tax for the District of Columbia, and at that time we were advised that by adding 1 cent per gallon on gasoline we would increase the revenue for the District of Columbia by approximately $1 million. The very next year the revenue for the District of Columbia decreased approximately $400,000. The District sales, since we imposed a 1-cent additional tax in 1949, have steadily declined, even though the registration of cars in the District has increased.

Throughout the Nation tax revenue from gasoline has increased during the past year from 5 percent to 6 percent while the tax revenue from gasoline in the District of Columbia has decreased approximately 1 percent. I think this is a highly questionable revenue and the same reasoning will apply to the sale of cigarettes in the District of Columbia.

The State of Virginia has no State tax on cigarettes, while here in the District of Columbia we have an 8-cent Federal tax on cigarettes and a 1-cent District tax, which makes a package of cigarettes in the District cost 1 cent more than it should in the State of Virginia. This is without the proposed 1-cent additional tax included in the bill we are now considering. I certainly feel that since it is stated that the majority of these funds will be used in erecting school buildings that the people who have moved into Washington should assist in paying for these buildings and not impose upon one or two business interests the entire cost. We have thousands of people moving into the District each year who pay no taxes other than the sales tax.

My suggestion is that we increase the present sales tax 1 cent, making a regular 3-cent sales tax in the District of Columbia.

Mr. O'HARA of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield to my distinguished colleague.

Mr. O'HARA of Minnesota. I should like to say to the gentleman that I do not think there is anything more unpleasant, either for him or for myself or any other of our colleagues, than to have to increase taxes on any item. It is an unpleasant job all the way around. But we are confronted, as the gentleman knows, with a very difficult problem in the public works needs of the District of

Columbia. I was one of those who opposed an increase in the gasoline tax a couple of years ago and made the prophecy that it would result in diminishing returns. It did. On the other hand, we are confronted with actions of other States which are continually raising gasoline taxes to meet their highway problems.

As the gentleman from South Carolina [Mr. McMILLAN] knows, the tax on gasoline in his own State, I believe, is higher than it is in the District of Columbia.

Mr. McMILLAN. That is correct. When I came to the District some years ago, they had no District tax on gasoline. We have continuously raised it. I think it is about 5 cents now.

Mr. O'HARA of Minnesota. The gentleman recognizes that when we get to the matter of raising money we have to put on some taxes that are perhaps unpleasant, and that maybe sometime will reach the point of diminishing returns.

Mr. McMILLAN. I agree with the gentleman that there is no such thing as painless taxes.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. HAYS of Ohio. May I point out that there is a little different situation in the District with regard to diminishing returns than there would be in his State or mine. The District is completely surrounded by these other two States, and it is only a matter of minutes to get to one of them in order to avoid paying the tax if the tax here is higher than in Maryland or Virginia. Is not that true?

Mr. McMILLAN. That is true. I do not know whether this will make it any higher than it is in Virginia or Maryland.

Mr. HAYS of Ohio. Virginia does not have a sales tax, does it? It does not have a sales tax on food, does it?

Mr. McMILLAN. No. I cannot speak for Maryland or Virginia, but I do think if we added 1 penny to the sales tax we have, we could collect this money with much less difficulty.

In my State of South Carolina we have a 3-cent sales tax, with the provision that every penny be spent on school buildings. We have built some of the finest school buildings in the country with this money. I understand the majority of the funds that are to be collected are to be used in erecting school buildings. I have people from my district and I know a lot of Members here that have people from their districts coming to Washington filling up the schools, and they do not pay any tax at all other than this sales tax. These people should pay some kind of tax if they are going to continue to fill up our schools here in the District of Columbia. I know that a sales tax is not an easy tax for anyone to swallow, but I presume it is about the fairest tax we could ever enact here in Congress.

As I have stated before, I feel it is almost impossible for me to swallow this bill in its present form. I regret we had to go to the Committee on Rules and come out with a closed rule, even though I presume we could spend several days on this tax bill if we did not have a closed rule.

I expect at the end of the debate to offer a motion to recommit the bill for further study by the Committee on the District of Columbia.

Mr. Chairman, in connection with this subject I include the following testimony and statement:

TESTIMONY BEFORE SENATE AND HOUSE DISTRICT FISCAL SUBCOMMITTEES

Mr. Chairman, my name is Charles W. L. Briscoe. I am a copartner and comanager of the firm of Speed & Briscoe. We own and operate a sizable motortruck terminal in Washington. I appear here in the interest of our firm and at the same time in the interest of the District of Columbia to oppose title 13 of H. R. 7389, now before this committee.

I am not here to debate the merits or demerits of the public works program proposed by the Commissioners of the District. As a resident of the District, I concede the need for such a program. Indeed, I take this opportunity to say that if the management and operation of the Highway Department, with which we are quite familiar, may be taken as a criterion, I know that the entire program will be well administered.

I take serious issue, however, with one of the methods proposed to help finance the program. I refer to the suggested increase in gasoline taxes. It is my studied and considered opinion that, in the light of established gasoline taxes in the States adjacent to the small area that constitutes this seat of government, the District is collecting just about the maximum it can expect from this source of revenue by leaving the local gasoline tax at 5 cents per gallon. I think I can demonstrate that, factually, this conclusion is sound.

It is well known that operating expenses of gasoline service stations in nearby Maryland and Virginia are much less than they are in the District. Consequently, if the taxes here are equalized with those of the two States, Maryland and Virginia dealers will be enabled to undersell District retailers. This fact, taken together with the greatly accelerated program of building large, modern gasoline stations outside the District, will cause local stations to suffer seriously from any price disadvantage.

Washington has, for years, been noted for its low gasoline prices. This reputation goes back to the years before 1941 when the tax here was only 2 cents per gallon. It was at that time that signs appeared on gasoline stations all over nearby Maryland and Virginia reading, "D. C. prices." This widely displayed legend became known up and down the east coast as the symbol of very low gasoline prices. The result was that in addition to large volume of out-of-State passenger-car business attracted to the District, Washington became a major fueling point for the tremendous number of trucks that pass through here carrying freight between shippers and consumers in the North and South. The rapid increase in gasoline taxes in the District since 1941 has caused this out-of-State business to diminish, but it still remains a sizable proportion of the total local gallonage. By conservative estimate, at least 20 percent of the taxable fuel gallons sold in the District goes into trucks licensed in other jurisdictions.

Now, if you please, I should like to direct your attention to the practical side of this business from over-the-road trucks. Most of these trucks have a fuel capacity of about 150 gallons and they average about 5 miles to the gallon. Virginia law requires out-of-State trucks to purchase within the Commonwealth of Virginia the amount of fuel necessary to drive through the State. This law is rigidly enforced, and, accordingly, interstate truck traffic must stop to make fuel purchases in Virginia. To the north in New Jersey, which is only 200 miles or 40 gallons away, fuel for trucks can now be bought for 2 cents per gallon less than it can here because the fuel tax in New Jersey is only 3 cents per gallon. Now, if the trucks fill up with gas in New Jersey, where the cost to them is the lowest along the coast, and they must stop for a fuel purchase in Virginia, what incentive is there for them to stop in Washington to buy gasoline if the price here is the same as that in Virginia? Believe me, Mr. Chairman and gentlemen, these truckers are extremely cost conscious, they can figure just as well as we, and I assure you that they just won't do their buying of fuel here.

Another fact regarding price differential is worthy of note. Cost of fuel to the retailer in the whole coastal area is based on the ocean terminal price plus freight to destination. Gasoline for the Baltimore and Washington markets is delivered in waterborne tankers at Baltimore and it costs six-tenths of a cent more per gallon over the Baltimore price to deliver the fuel here. Accordingly, if the tax in the District is equal to that in Maryland, the retail price in Baltimore is bound to be at least one-half cent less and perhaps even 1 cent less per gallon than it is here. Couple this with what I have shown you about the price in New Jersey being 2 cents lower than it is in the District and the compulsory purchase of truck fuel in Virginia and then consider how Washington is going to fare with an increased gas tax.

Statistics supplied by the United States Bureau of Public Roads reveal startling facts about average fuel consumption per registered vehicle. The consumption of gasoline per registered vehicle is greater by far in the District than in any nearby State and greater by far than the national average. Based on 1952 tax returns, the Washington rate is 1,078 gallons per vehicle, compared to 876 in Virginia, 769 in Maryland, and 782 in the entire country. But the picture is changing. The figures for 1953 show a decline in District consumption while the nearby States show an increase. This trend was speeded up recently when, for a 1-year period ending in June 1953, the gasoline tax in the District equaled that in Maryland. The latest available monthly figures demonstrate that the decline in District gallonage continues despite increased automobile registrations. On the other hand, gallonage in nearby States is on the increase. Simple arithmetic establishes that if the average annual consumption of gasoline per vehicle in the District declines to that of the national average, the revenue to the District from a 6-cent tax will not equal the return in dollars from the current 5-cent tax.

Gentlemen, the gasoline-tax situation in the District of Columbia, is in delicate balance. The number of taxable gallons sold here bears a direct relationship to the tax structure here as compared to the tax structures in nearby States. The law of diminishing returns is not one that can be repealed by legislation. In a political subdivision as small as the District, it is easy to demonstrate that the flow of gasoline through the pumps of local dealers can be reduced to a trickle. There is hardly a gasoline consumer in the city who could not readily and conveniently deal in a Maryland or Virginia service station now in existence and I predict that more and larger service stations will line the District boundaries if the tax is increased just as loan companies swarm across the District lines because local operations are unprofitable. No one will gainsay that if the gasoline tax here were raised to 9 cents or 10 cents per gallon while Maryland and Virginia taxes remain unchanged there would be no fuel sales here and no tax revenue in the District coffers therefrom. Who is able to forecast at exactly what point the weight of the tax will cause a decline in

sales to the extent that the law of diminishing returns will take its inevitable toll. This much we know: Washington has earned such a reputation for low gasoline prices that consumption here per registered vehicle is greater than it is anywhere else; when a motorist or trucker stops for gas he buys tires, accessories of all kinds, food, and even other articles for personal consumption; all of this trade brings revenue into the District treasury; today's economy makes all of us cost-conscious and buying habits change to meet the drain on the pocketbook; and even while the gasoline tax in the District is 1 cent per gallon under that of nearby States, local gallonage is declining. With the firm conviction that I have analyzed the situation correctly, I say to the members of this committee that any attempt to raise the gasoline tax here and thereby equalize it with the neighboring States will prove to be extremely costly to the business people of the District, to District residents, and to the highway-fund revenue. I urge you to omit it from the pending legislation.

ALCOHOL TAX

Present District of Columbia tax on every wine-gallon of spirits is 75 cents. (Bill increases this tax to $1.)

Present District of Columbia tax on every wine-gallon of alcohol is $1.25. (Bill does not increase this tax.)

Virginia has no State tax on either spirits or alcohol.

(Present Federal tax on alcohol is $10.50 per 100-proof gallon.)

CIGARETTE TAX

Present District of Columbia tax on cigarettes is 1 cent per package. (Bill increases this tax to 2 cents.)

Virginia has no State tax on cigarettes.

(Present Federal tax on cigarettes is 8 cents per package.)

GASOLINE TAX

Present District of Columbia tax on gasoline is 5 cents per gallon. (Bill increases this tax to 6 cents.)

Present Virginia State tax on gasoline is 6 cents per gallon.

(Present Federal tax on gasoline is 2 cents per gallon.)

District of Columbia taxes collected on gasoline during fiscal year 1952 (July 1, 1951, to June 30, 1952), when tax was 4 cents per gallon was $8,177,703.

District of Columbia taxes collected on gasoline during fiscal year 1953 (July 1, 1952, to June 30, 1953), when tax was 5 cents per gallon was $9,883,140.

The District of Columbia sales tax went into effect on August 1, 1949, when a 2-percent tax was imposed. (Bill adds "groceries" under tax at 1-percent rate.)

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain statements.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. CHATHAM].

Mr. CHATHAM. Mr. Chairman, I have spent about 10 years of my life in the District of Columbia, and I had a very active part in civic and municipal affairs in my home in North Carolina, the city of Winston-Salem. Since I have become a property owner in the District I have taken particular interest in looking into the fiscal affairs of the District.

Like the gentleman from South Carolina [Mr. McMILLAN], I may say there are parts of this bill with which I do not agree, especially the increase in tobacco taxes, but all in all I want to say to you that Washington, being in this special situation, is in my opinion going backward very fast and something has to be done about it.

Washington belongs to all the people of this country. Since I have been here there has been a tremendous increase in the number of visitors throughout the year, especially in the spring, and a tremendous increase in the number of young people who come here and who see the great monuments and memorials in the Nation's Capital, and who at the same time see the terrific traffic congestion, see the slums, see the crime situation here. It becomes very plain to all of us, I think, that we are not giving the Capital City of our country a break. The unique position that the District finds itself in not being able to finance its operations, the unique position that the gentleman from South Carolina [Mr. McMILLAN] mentioned where a great number of the District's residents come from other parts of the United States and vote in other parts of the United States, and pay no taxes here except the sales tax, and send their children to schools here, is in itself proof that the District of Columbia requires unique treatment. All in all, I think the bill has many more good things in it than bad, and I expect to vote for the bill. But I hope that all of us in the future will think of things like increasing the sales tax to 3 percent because of the unique situation here, and will think of the percentage that the Government pays for the upkeep of the District which percentage has constantly gone down and down. The District is willing to tack on more taxes for the people and, of course, the regular residents are lower here in percentage than in any other place in the United States. I commend to you not only the fact that this bill will help the unemployment situation, which is only one of the side issues, but it is a good thing for the District of Columbia. I ask that all of you give more study with your splendid committee to the affairs of the District, the Capital of our country, to things like a national opera house. I have musical students coming here at times in the spring. I am ashamed to take them to the only place in Washington, Constitution Hall, used through the generosity of the DAR and which is not adequate for our Capital. There are many things that this District needs that we, as part-time citizens of the District and citizens of our country, who own this city should support. It behooves us to support this splendid committee in doing whatever they recommend and whatever we think is best for the city of Washington.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I am wholeheartedly in favor of this public-works program. I think we need better highways in the District and better school buildings. I find myself in disagreement with the committee, however, about the way the revenue to pay for these improvements is to be obtained. About 2 weeks ago, I introduced a bill to create in the District of Columbia a whisky monopoly for retail whisky stores. There are 16 States in the Union today with whisky retail monopoly. The Library of Congress prepared a list of those States together with the amount of money they made. In 1952, those 16 States had a gross business of $923,871,000 on which they made a clear net profit of $200,616,000. My State of Alabama sold $40,564,000 worth of whisky in retail stores, and from those sales they made a net of $11,038,000. The neighboring State of Virginia in 1952 sold $101,274,000 worth of whisky and they made $19,904,000 profit. The State of Pennsylvania sold over $204 million and at a profit of over $38 million.

I asked the Library of Congress Legislative Reference Service to tell me how much whisky was sold in the District of Columbia in 1952. In a letter dated February 24, 1954, Mr. Ernest Griffiths, the Director, said the retail sales of whisky amounted to about $75 million in fiscal 1952. Recently, Drew Pearson said in his column that last year more whisky was drunk in the District of Columbia than milk, in gallons.

I am not a political dry nor a personal dry. I do not believe in Government monopolies except in very, very few cases, but on this question of the sale of whisky I do believe that the more that business is regulated the better.

The gentleman from South Carolina [Mr. McMILLAN] is going to offer a motion to recommit this bill for the purpose of having the committee study further ways and means of raising the revenue to finance this public-works program. I sincerely hope that that motion will prevail and that the committee will study my bill or some other bill, and raise the revenue in ways other than trying to put a tax on groceries that people must eat.

Mr. SIMPSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. SIMPSON of Illinois. The gentleman is making a very liquid speech. I just wondered if he submitted his program to the joint hearings before the House and Senate committees.

Mr. ANDREWS. I introduced a bill about 2 weeks ago. Before doing that I discussed with several members of the District Committee this bill and urged them to introduce it rather than myself.

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from New Jersey.

Mr. CANFIELD. I wish to say to the gentleman from Alabama that he has made a very good point regarding a tax on groceries. We could not pass a law like that in the State of New Jersey, and I shall support the motion to recommit.

Mr. ALLEN of California. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. ALLEN of California. I listened with considerable interest to the speech which the gentleman made about 2 weeks ago, and it prompted an inquiry which I made to the taxing authorities in the District government. It was pointed out to me that while it is probable there would be a considerable profit gained from the operation of liquor stores, there

would also be involved a loss of the tax on the liquor, which we now collect; there would be a loss of revenue from property that is owned by private individuals and used for this purpose, and there would be a loss of the sales tax on the liquor involved; and there would be a loss of the income tax paid by private operators who now make a living from the sale of liquor. There has been no tabulation made of anything like an exact appraisal of the net amount involved, but the opinion expressed was that the probabilities are that we take as much or more out of the liquor business for District of Columbia revenues than if the Government operated the stores.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. ANDREWS. I would like to say in reply to my friend that Mr. Griffiths stated in his letter of February 24, 1954, that the tax revenues of the District from excise taxes on alcoholic beverages were $4,009,154.68. The license fees were $1,211,368.64. That was the revenue the District received—approximately $5 million. But my opinion is that if $75 million worth of whisky was sold in a year in the District of Columbia you would have in excess of what you now get about $15 million.

If the District can operate retail liquor stores as economically as the States of Alabama, Virginia, and others which have a monopoly to operate stores, they will realize a great deal of revenue.

As to the rental property, of course, it would be necessary for the District to rent real estate to operate stores just as it is today for private individuals to rent stores. My bill provides that the employees of those stores would be selected from a civil-service register and therefore there would be no unemployment. Let me earnestly plead with you Members of Congress to think long and hard before they bypass this kind of revenue and put a tax on groceries.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to my friend from Virginia.

Mr. SMITH of Virginia. I am quite sympathetic to the gentleman's proposal, because when the 18th amendment was under consideration I proposed and offered as a substitute just the same thing the gentleman is now proposing, and I have always thought it was a good thing to do. But I want to say this to the gentleman from Alabama, that while I do feel sympathetic to it I think that to put it in this bill would be a mistake.

I will assure the gentleman that I will make every effort in the committee to see that he gets a hearing on his bill and that the subject is explored so we can see whether there would be a loss of revenue incurred by doing what the gentleman proposes.

Mr. ANDREWS. I thank the gentleman, and I say again that if we adopt a monopoly system which has worked so well in 16 States we can solve for a long time to come the revenue problems of the District of Columbia.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 6 minutes to the gentleman from Nebraska [Mr. MILLER].

Mr. MILLER of Nebraska. Mr. Chairman, somebody said that taxes and death will be sure to get you some time. I am sure about death, but I am not so sure about taxes.

This bill is a tax-raising revenue bill, which readjusts some of the present taxes in the District of Columbia and adds some new ones.

The committee that held hearings under the able chairmanship of the gentleman from Minnesota [Mr. O'HARA], was a joint committee and the hearings were joint hearings with the other body. I want to compliment them for the good job they did. It is not a bill that pleases everyone. I would like some change, but the committee voted me down. I expressed myself in the committee. Legislation is a matter of give and take. This bill had long study. I support the measure. The bill should not be recommitted as suggested by the gentleman from South Carolina [Mr. McMILLAN] or by the gentleman from Alabama [Mr. ANDREWS].

The District Commissioners are not happy with the measure. Some of the folks living in the District were not happy. Even those who wear the ecclesiastical robes—I think a couple of them took them off yesterday and put on political robes and castigated Congress because we did not do something about home rule and the slums. I submit that while I suppose ministers of the gospel can say anything they want to, it would suit me better if they would stay with the Bible and stay out of the political arena, because when they get into the political arena they are going to find themselves in some pretty fast and unfamiliar company. I presume that giving the District home rule would do away with the slums. But I know a lot of towns that have home rule and they also have slums.

There are some people who would make it unlawful to sell liquor. I submit that if you go down here on Seventh Street and look around, and you do not buy liquor you can buy smoke, canned heat, distilled this or that, or cheap gin, that probably is responsible for a lot of crime in the District. Some of you feel the liquor license may not be high enough. Some want the beer tax or property tax raised or object to the 1-percent tax on groceries, but this bill strikes a happy medium and should be adopted. In 20 years you may be putting on a 5-percent sales tax, because there are a great many people in the District of Columbia who do not pay any taxes outside of the sales tax. It may be necessary to find some additional revenue if the population trend of the city continues as it has in the last 10 or 12 years.

This bill raises taxes. For instance, in reference to sewers, let me point out to you that the needs of civilization require sewers. Do you know that some sewers in the District of Columbia are 99 years old and that they are made out of wood? We had one break a year or two ago in a park which contaminated all of a park area, or a large portion of the park area, so that it cannot be used for picnic purposes. They city outgrew its sewers 28 years ago when it reached its peak in population trend. The population of the city has increased since then, yet the capacity of the sewers to handle sewage has not increased.

The bill increases the Federal contribution from $11 million to $20 million. I voted against that once, but I think now we ought to bear a larger share. I think you and I as Members of Congress should be responsible for the type of city the District of Columbia is. We ought to carry that responsibility and if we are going to do what is proper we will have to have additional funds in order to meet some of the growth.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from South Carolina.

Mr. McMILLAN. I think all the committee agrees thoroughly with the gentleman that this work is badly needed in the District and I believe, too, all of the committee is in favor of raising the Federal contribution from $11 million to $20 million. But there is a great deal of difference of opinion as to how this additional tax should be collected.

Mr. MILLER of Nebraska. I do not know what the gentleman has in mind, and I do not know how you would raise additional taxes. Taxes are never pleasant when you put it on property or liquor or on cigarettes, and I know the gentleman does not want any more taxes on cigarettes. The gentleman proposes to send the bill back to the committee without any further instructions. I think he is dead wrong. The committee has worked hard and earnestly. That matter was thoroughly discussed by the full Committee on the District of Columbia. If we did send it back to the committee I do not know what the committee could come out with unless the gentleman has some suggestions to make.

Mr. McMILLAN. Does not the gentleman think a 1 percent additional sales tax to the present sales tax would take care of the situation?

Mr. MILLER of Nebraska. It would help. We do not have a sales tax in Nebraska, but I think I would go along with a 3-percent sales tax. We may be forced to do so in the next 10 or 15 years.

Mr. McMILLAN. I understand that 1 additional percent would bring in around $8 million, which is more than they are asking for in this bill.

Mr. MILLER of Nebraska. The gentleman does not want to take the tax off cigarettes, does he?

Mr. McMILLAN. Oh, yes; I certainly do.

Mr. MILLER of Nebraska. And somebody else wants us to take it off some place else. That is the reason we have a closed rule here. I doubt if the gentleman ought to do that and put the committee back into further work. It is not a bill that satisfies me entirely. I am unhappy about parts of it.

Mr. McMILLAN. Does the gentleman feel that the people of my district ought to come in and pay some of these taxes?

Mr. MILLER of Nebraska. They do pay some in the hotels when they come

to Washington. They have an extra tax to pay. We lowered the tax rate on meals to start at 50 cents instead of $1.25.

Mr. McMILLAN. The people from my district bring a bunch of children in and put them in schools and do not pay any sales tax at all.

Mr. MILLER of Nebraska. How does the gentleman propose to raise the revenue?

Mr. McMILLAN. By a sales tax.

Mr. MILLER of Nebraska. And take it off of something else?

Mr. McMILLAN. Take it off of cigarettes and gasoline. It is not on food now.

Mr. MILLER of Nebraska. I submit to my colleagues that the committee has worked hard, and I think you ought to give them the green light and send it over to the other body and let them work on it, and when it comes back we will have something to work on. I am not happy about some of its phases. But, you cannot do it all at once. This bill is before us now, and I hope my colleagues will support it and send it along so that the District of Columbia will have some blueprints that they can work with in the next few years. The need for repairs and new public works is urgent. This bill supplies the money.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, I am speaking with great reluctance. I have great respect and affection for the members of the District Committee. I know how hard is their task. I know how conscientiously they have worked to fulfill the responsibility placed upon them.

Mr. Chairman, I should not be speaking had I not noticed in a Washington paper yesterday that this bill, which provides a commendable program for good and needed public works, has a provision in it that puts a tax on groceries and that imposes a sales tax on people buying meals from 50 cents to $1.25. Checking up on what I had read in the newspaper account I found from the text of the bill and the report of the committee a deplorable situation as regards the manner of raising money for the proposed good works. Under the circumstances I feel the obligation upon me, at least, to alert those Members of this body who believe as I believe that we have no moral right to place this heavy tax burden upon those least able to carry the burden.

Mr. O'HARA of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield to my beloved namesake from Minnesota.

Mr. O'HARA of Minnesota. The gentleman comes from and ably represents the great State of Illinois, along with his other colleagues. Illinois has a heavier tax on groceries than is imposed by this bill; is that not true?

Mr. O'HARA of Illinois. Washington is in a class with Chicago as a municipality. Whatever may be the fact as regards State government, no part of the vast expense of carrying on the municipal government of Chicago comes from a sales tax.

Mr. O'HARA of Minnesota. But you have for some years had a sales tax.

Mr. O'HARA of Illinois. That unfortunately is true of the State government of Illinois. Might I say to the gentleman from Minnesota that as to Chicago not one cent of the very heavy cost of schools, policing, public works, and the many other items of municipal necessity and city government comes from a sales tax on food. No person in public life would dare propose a tax of that nature. I cannot see that Washington is in any position different from that of Chicago except that in Chicago the people do have a vote and in Washington there is no way under the law by which the people can fight back. If the people of Washington could vote on the manner of raising money proposed in this bill the referendum would go against the proposal 20 to 1 at least. I do not think anyone has any doubt on that score. Very apparently that was the reason why the bill comes to us under a closed order.

Here, among other things, is what the bill does: First, adds another cent to the sales tax on cigarettes; second, imposes a 1-percent sales tax on groceries, which tax is expected to raise $3.5 million annually; third, taxes meals in the 50 cents to $1.25 bracket, which is certainly getting down where the pain of taxation is the hardest to bear; and, fourth, increases the tax on a transient's bed hire.

The public-works program should be carried forward, but the burden should not be placed on the worker's basket of groceries and the citizen trying to make both ends meet by budgeting on 50-cent dinners. There are at least three proper sources for raising the necessary revenues.

Mr. O'HARA of Minnesota. Would the gentleman yield on the question as to whether you do not also have a sales tax in the city of Chicago on all sales? I do not recall that there are any exemptions.

Mr. O'HARA of Illinois. A State sales tax, yes.

Mr. O'HARA of Minnesota. That is what I am speaking of. This is the equivalent, the gentleman appreciates, of State action in this regard.

Mr. O'HARA of Illinois. I appreciate that the District of Columbia stands theoretically on the level of a State. But actually the District of Columbia is Washington, which is not a State like Illinois but a city like Chicago. I am making the point that cities find other sources for their revenues than taxing baskets of groceries and 50-cent meals. Certainly Washington is a city and I for one take pride in referring to my colleague from Illinois [Mr. SIMPSON] who is the chairman of the District Committee as the Mayor of Washington, and to my distinguished colleague and namesake from Minnesota [Mr. O'HARA] as the associate mayor of Washington. I do not think this attempt to put a sales tax on groceries on the people of Washington would even be considered if the people of Washington had a vote.

Mr. BROOKS of Louisiana. Mr. Chairman, would the gentleman yield to me?

Mr. O'HARA of Illinois. I yield to the gentleman, of course.

Mr. BROOKS of Louisiana. I share with the distinguished gentleman from Illinois [Mr. O'HARA] the admiration he holds for the membership of the District Committee. What is going through my mind, the thing that concerns me, is this: In the last 2 weeks we voted tax reductions in two major bills before this Congress. We told our people back home that we are reducing taxes now levied upon them.

Now comes the poor, little District of Columbia, with no representation here in this body at all, and we reverse our field quickly and we levy 12 or 15 new types of taxes on these people.

What concerns me is this: How can I harmonize my action in reducing taxes in two major bills before this Congress within the last 2 weeks with reversing my field and levying taxes on the people in the District?

Mr. O'HARA of Illinois. Of course, this is a result of the administration taking advantage of the people in the District, because they have no vote.

Mr. ROBSION of Kentucky. Mr. Chairman, would the gentleman yield to me?

Mr. O'HARA of Illinois. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Reference was just made to the poor, little District of Columbia. Is it not true that they have the finest streets, the finest parks, the finest street lights, the finest sewers, of any place in the country, and pay considerably less taxes than they do in my town?

Mr. O'HARA of Illinois. I can only say that next to Chicago, Washington is the finest city in the Nation. I don't believe, however, that we add to the moral climate by sparing the big taxpayer at the expense of the little fellow's basket of groceries and 50-cent meals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. HYDE].

Mr. HYDE. Mr. Chairman, first I want to add my word of commendation for the splendid work performed by the chairman of the committee and the committee which worked on this bill. It is also encouraging for me to hear some of the remarks made by the gentleman from North Carolina who spoke a few moments ago and some of the others concerning the responsibility of the Federal Government.

Mr. TALLE. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Iowa.

Mr. TALLE. I think that the recent reference made to the tax bills passed last week and the week prior to that should not go unanswered. The reduction in taxes made on the 1st of January 1954, having to do with income taxes on individuals, applies to all of the people in the city of Washington as it does to the Nation. Likewise, the excess profits tax which was allowed to lapse on January 1, 1954, applies to the people in the city of Washington just as it does to all other people of our Nation.

Insofar as the bill to cut taxes, the reduction in excises, is concerned, most certainly that reduction will apply also to all of the people in Washington. The same is true of the tax revision bill

which was passed last week. The bill before us now deals with the peculiar problems of the District of Columbia and the city of Washington. The Federal City like other cities has its problems, and the proposed increases should be considered in that light.

We are sitting here as a group of aldermen to act on the problems peculiar to the city of Washington and since we are legislating on a Federal basis for the Federal Capital, these peculiar problems should be considered on their merits and should not be confused with taxation as it applies to the entire Nation. I thank the gentleman for yielding to me.

Mr. HYDE. I thank the gentleman from Iowa [Mr. TALLE] for his contribution.

Mr. Chairman, I want to address myself to this matter of the Federal Government's contribution toward the maintenance and upkeep of the District of Columbia. The Federal Government is responsible for the location and the creation of the District of Columbia. Therefore, it follows that the District of Columbia is the Federal Government's responsibility. All of us know this, but many of us are not always aware of it. Washington is not a city established by individual citizens who subsequently reaped the benefit of having the Government located within its boundaries. There would be no city here if the people of the Nation had not put it here. As a result, the only industry here is that of Government and such service industries as are necessary for the life of the city.

I emphasize these facts, Mr. Chairman, because we have been hearing it said that the local citizens expect too much from the Government, that they ought to take care of their own city. The people here are ready, willing, and able to do their part. They can and should be and are willing to pay taxes commensurate with those paid in other cities throughout the United States. By the same token, the industry, namely, the Federal Government, which brought the people here, should bear its fair share of the burden just as industries do in other cities.

In the past perhaps the local city fathers have not done as much as they should in carrying out their responsibilities to the Nation in maintaining and preserving the Nation's Capital. It is also true that in many respects the people of the Nation, through their elected representatives here, have neglected their Capital City. This bill is a step toward the rehabilitation of the Nation's Capital which is long overdue. It seems to me that no responsible Member of Congress will deny that. We do not suggest it as perfect. For myself, I feel that the Federal Government should bear more of the financial responsibility than is provided. However, in view of the hard work and the strenuous effort put forth by the committee, I think the committee has come up with a fairly good bill, and I urge the Members to support it.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS of Ohio. Mr. Chairman, I would like to address myself for a moment or two to the closing remarks of my good friend the gentleman from Nebraska [Mr. MILLER]. He said, "Let us go ahead and pass this bill and send it over to the Senate. Let them work on it over there, and then when we get it back perhaps we will have something we can do something with," or words to that effect. That seems to me to be a complete abdication of our responsibilities. Of course, when a bill goes over to the other body it is not going to come up over there under a gag rule; it is going to come up there so that any Member of that body can offer any amendment that he sees fit to. But here, and, of course, I admit to a degree that the bill has many commendable features, although it also has some very objectionable features, we are asked either to take it or leave it, without a chance to do anything about eliminating the objectionable parts.

I submit to you that the sales tax on food is one of the most vicious forms of taxation that you can devise. Any tax expert or anyone who has studied taxes will say if you have to impose a sales tax exempt the family market basket from it.

We have had a good deal of experience with the sales tax in the State of Ohio. It brings in a considerable portion of our revenues for the political subdivisions and for schools. When that tax was first imposed in Ohio many years ago along at the beginning of the depression in the early thirties it was a general 3-percent sales tax. Over the years experience taught us that we would have a better tax structure if we would eliminate food from taxation and that was done. Also we eliminated the tax on all articles under 40 cents, because we found that the cost of collection was not commensurate with the return. They found that the sales tax has yielded more revenue with less struggle when some of those items were exempted.

Personally, I do not like the sales tax at all, if we can get away from it in any way shape or form. But, if I had to choose between the two, I certainly would go along with the gentleman from South Carolina [Mr. MCMILLAN] and say it would be better to have a general 1-percent increase and leave food exempt from the sales tax. Certainly, you cannot say if you do that that everyone is not paying some tax in the District of Columbia because, if you leave the food out, there are still many items that are taxable which every family has to buy. I do not advocate that, but if I had to choose between the two, either having a tax on groceries or raising the present 2 percent tax to 3 percent, I certainly would go along with the latter. I would like to vote for this bill. I think the public works program here is long overdue, but you are asking some of us to vote for public works and at the same time tacking on this reprehensible tax on food. I might also say a word of commendation for the speech of my colleague, the gentleman from Alabama. I do not think there is a place in the United States where the liquor dealer gets as much profit as he does in Washington, D. C. I do not think there is a place in the United States that has as many liquor stores per capita as we do in Washington, D. C. Do not tell me that those fellows are not making a profit because if they were not, they would not be in the business. We have a monopoly in Ohio. We did not give up any of the taxes on liquor. We just left the tax on, the stamp tax and everything else, and in addition last year the State cleared $25 million. I think the proportionate profit in Washington on these so-called independent liquor stores that are on every corner and sometimes 2 or 3 to a block would be commensurate to the profit that the State made, if not more. In addition, under the system that we have in Ohio, where everyone who purchases has to sign an application, you have some little check on the winos and so on, who are the cause in large part, if you read the Post last week, of the tremendous problem of crime in the second precinct.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, as has been indicated, this is a very complicated bill. It involves a great many subjects of taxation. I have listened with interest and some sympathy to those who have spoken in opposition to the bill on the grounds that we have imposed a 1-cent sales tax on groceries. Well, to begin with there are 32 States in the Union that have sales taxes, and out of those only 9 States exempt foods. So that two-thirds of the States do not agree with those who oppose a tax on foods. It was proposed that the tax on food be the same as the tax on other things, namely, 2 percent. The committee thought that was too high and fixed 1 percent and balanced their budget off so that we would raise sufficient money for the purposes set forth in the bill. Let us see what that 1 percent tax does. Of course, I can sympathize with these gentlemen who are worried about taxing the poor. I do not like to tax anybody. But let us just see what this bill does. We have not talked about some of the other things that this bill does. The worst tax on the small-income family—one of the worst taxes we have here in the District of Columbia is the tax on the little bit of personal property that the people have. The tax on the bed that the taxpayer sleeps in and the tax on the kitchen stove that he cooks his meals on. This committee in this bill takes away that tax. We repealed the personal property tax. You say this is a tax on the poor man. We have an income tax in the District of Columbia, and do you know that that income tax exempts everybody up to an income of $4,000?

I do not know of any other place that has such a high exemption on the income tax, in behalf of the low-income groups as the District of Columbia. We might have reduced that, but we did not do that. But what do we do with the high-bracket fellow on the income tax? We put an additional 1 percent on him all the way through, and that raises a lot of money. But we did not do anything with the man with the

low income. As I said, we have tried to divide this tax equitably over everybody.

With reference to this 1-percent tax on food, a man goes into a grocery store and he buys $10 worth of groceries. Do you know how much tax he must pay? Just 10 cents. Is there anybody so poor in this rich country that he does not want to even pay 10 cents for the support of this Government that does so much for him? I do not think much of that argument.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Arkansas.

Mr. HARRIS. Something has been said about giving consideration to the recommendation of the people of the District of Columbia with reference to increased taxes. That is, the manner in which we might raise the money with which to support this public-works program. Is it not true that the people of the District, individuals and organizations and federations who came before the committee, opposed the increase in the sales tax generally, more so than any other type of tax increase on the people?

Mr. SMITH of Virginia. Yes. They did not want the 3-percent tax. But I think the chairman of the subcommittee has covered that situation when he said everybody wanted all of these improvements, but everybody said, "Don't tax me. Tax the other fellow." That is the situation you find in almost every tax bill. But I say to you that the chairman of your subcommittee, the gentleman from Minnesota [Mr. O'HARA] has put in a tremendous amount of time, effort, and sympathetic consideration for all of these groups who have come in for or against some particular form of tax. I think he is entitled to the thanks of this Congress. I think he is entitled to the confidence of this Congress in what he has brought here. How he has been able to spare as much of his time with the busy duties he has is hard for me to understand. I have heard gentlemen get up here and say they had an affection and a respect for the committee, but I never heard anybody say they had any sympathy for the committee. That is what we need—sympathy. We have had a difficult problem and we have come here with the best we could do. We ask not only for your respect but for your sympathy and your support in this bill, which we think is the best that can be done to spread this tax burden equally and equitably over the various groups of people.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I would like to assure the distinguished gentleman from Virginia [Mr. SMITH], who just preceded me, that he does have my support and my sympathy in dealing with this problem. I want to pay tribute to the members of the committee for their efforts in dealing with a difficult situation. I am sure, as others have said, they have worked diligently in their efforts in arriving at a compromise with regard to this legislation.

I would like to point out 2 or 3 matters that I think deserve the attention of the Members of the body. One is the amount of the contribution to the District of Columbia from the Federal Treasury. I mean the amount contributed by the taxpayers of all of the districts and States throughout the country. This contribution has been increased several times in the past few years. Last year it was $11 million. I am informed this committee is approving a contribution of $20 million against the Federal Treasury for the District of Columbia. This is an increase of $9 million above the present contribution.

Now let us see what you have done in this bill. You have provided a rate of tax on real estate of 2.20 percent on the assessed valuation of such property. The present rate is 2.15 percent. You have raised it only 5 cents. Even this 5 cents raises $500,000. If you had raised it to 2.50 percent you would collect $4½ million and you would still have a low rate on real-estate taxes because, you must recall, there is only one tax rate against real estate in the District of Columbia. It compares with the total amount of taxes in your township, school district, city, and county. I do not believe you will find a city in the United States where taxes are as low on the valuation of property as they are in Washington, D. C., even though it is claimed that taxes are levied on what they call the full market value of the property. What we really need in the District of Columbia is a reevaluation of our real estate to make sure it is being appraised at nearly its actual value.

Let us look at another thing and that is the tax on liquor in Washington where, incidentally, more liquor is consumed per capita than any other city in the United States of comparative size. I think you should have increased the taxes on liquor at least 30 percent, which would have produced $8 million. Liquor is certainly a luxury if there ever was one.

Do you know that income taxes are lower in the District of Columbia than they are in any State where income taxes are collected. The tax exemption for a family in the District is almost nil on salaries of four or five thousand dollars or less. If you would increase the income tax on a par with the income-tax rate in any State, you would raise millions of dollars.

I have heard complaints about this 1-cent sales tax. In our State it is twice that amount and I find in most States such is the case.

In my judgment the committee has been more than generous in respect to this legislation.

There is one more thing that might be discussed and that is you are relieving everybody in the District from paying taxes on their household goods and furnishings no matter how expensive they are. People occupying fine homes in the city of Washington, homes with expensive furnishings and furniture, are not required to pay any taxes on hundreds of thousands of dollars worth of such property. The least you could have done in respect to this item is to have exempted furniture and furnishings up to $1,000 or less, but not relieve owners of expensive household equipment from tax when people in your State and mine are required to pay such taxes.

I would not be misunderstood. All I am asking is that people in the District of Columbia pay their fair share of the cost of Government and not any more.

Mr. MCMILLAN. Mr. Chairman, I yield 13 minutes to the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I can appreciate the sentiment that has been expressed in this committee this afternoon. It demonstrates in a small way the problem your Fiscal Affairs Subcommittee of the Committee on the District of Columbia has had over the past several weeks. We have heard viewpoints from this and that one, how they recognize the need for this program, how they realize that the people of the District of Columbia must have a public-works program, but they are not at all pleased with the method or the manner by which we are going to raise the money for it. I am certainly sympathetic with that attitude because I am not altogether satisfied with everything that is in this bill. I do not suppose there is a member of this committee each of whom has worked so hard on the program for the District who is a hundred percent satisfied with it.

We held hearings for days, we tried to get the viewpoint of all interested parties, individuals, and organizations of the District of Columbia and the officials. We have tried to bring about a program upon which the members of this committee and the Senate committee could finally come to agreement. It was a joint House-Senate committee study and we have presented, as the gentleman from Virginia [Mr. SMITH], said a moment ago, the best program we could under the circumstances.

As an example, I was sympathetic to the Commissioners' request to the Congress to include an additional authorization of $40 million for loans to provide these capital improvements. I think that was a fair approach to some of the needs when you consider that these improvements are going to be utilized over a period of years, 20 or 30; then why not as they do in so many other places, use that method? But the committee thought, because of the unique circumstances, as has been explained, here in the District of Columbia, that it would not use that method. Consequently, that request made by the Commissioners was not observed. That is just one example.

Mr. TALLE. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. TALLE. I want to pay my compliments to the gentleman from Arkansas. He has worked very diligently on this bill as he does on all bills he works on. I am glad the gentleman mentioned that this bill is the result of a joint study. When the hearings were held gentlemen of the other body met with gentlemen from this body in joint hearings, and this bill represents, therefore, the united opinion of the gentlemen of the Senate District Committee and the gentlemen of the House District Committee.

I am glad the gentleman mentioned that fact and I should like to emphasize to all Members that we are presenting the same bill to the House that will be presented to the other body.

Mr. HARRIS. I thank the gentleman. The reason I mention it is to emphasize the fact that this is a program growing out of many days of consideration and a world of effort by the committee of this body and the other body in order that we might in this way, in our deliberations and in our study, come up with something that there might be as nearly unanimity of thinking toward the program as could be possible between the two groups.

Something has been said about what the other body will do. This is our responsibility over here; however, it was recognized that it had to be considered by the other body, so in our deliberations we did try to come up with something that we could agree on and that would be the most effective way to solve a very difficult problem.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from South Carolina.

Mr. McMILLAN. I want to join with the gentleman from Iowa in congratulating the gentleman now addressing the committee and the other members for the diligent work done on this bill. But the gentleman did not expect a group of people who came here with children for the schools to appear before the committee and advocate an increase in the sales tax?

Mr. HARRIS. We had people appear in the hearings suggesting that taxes be obtained for these purposes by additional sales tax, by an additional tax this way or that. We had a great many proposals as to various methods of raising taxes. We had all of these proposals before us for consideration. Finally one day I told the distinguished chairman of the committee who has done such an outstanding job, the gentleman from Minnesota [Mr. O'HARA], that about the best way to get everybody mad at us is to put a little tax on everybody and spread it all over the field. I had no idea at that time that it would be the final result. But that is simply what we have done. Consequently we have brought you a bill that as I repeat I do not like in all particulars but is the best we could do and I feel I am justified in asking the members of the committee and the Members of the House to support us in our effort.

Mr. Chairman, some 2 years or more ago a citizens committee of the District of Columbia was appointed to make a study and report to the District Commissioners a program so vitally needed for the District of Columbia. Did you know that in this fiscal year there is not one penny provided for capital improvements of your schools of the District of Columbia? Did you know that the reason for that is because there is no money available to appropriate for that purpose? If I remember correctly, the record reflects that there is a shortage of 13,000 school rooms in the District of Columbia.

This citizens committee made a study and it made a report. It reported a 6-year program. The Commissioners took that report and studied it and they came up with an 8-year program, and as this program has progressed, we finally bring it to you in a 10-year plan to provide adequate water facilities, sewers, public health, highways, parks, schools, hospitals, all of the things that are absolutely necessary to the life of a community. Now, after all of these years, after these many diversified opinions, and after deliberation and bringing together those opinions and coming up with a specific program at this point, can we afford then, in view of the imperative need, to send it back to the committee and say "Go do this over and come up with another plan providing for tax"?

Why, even the Washington Post now is for this legislation; that is, they think that under the circumstances it ought to be passed, because they know it is needed. It is imperative for the District of Columbia that we do something for it, and it is the responsibility of this Congress to do something to take care of these needs. I am not happy about imposing taxes; no. No Member is. My colleague from Louisiana a moment ago wanted to know how we justified the action last week with the action here. There is not a major city in any State in these United States that is not doing something about increasing the responsibility on its citizenship to provide that city with the needed improvements to take care of the health and welfare and the education of the people of that community. That is the reason I have justified this.

Why, here in the District of Columbia they think that the increased Federal share should be as much as 25 percent, as an example, of a $120 million budget. There are those as you heard a moment ago who asked, "Why should we increase the Federal share at all?" We have got these extreme viewpoints. Well, what we have done is this, we have increased the taxes on the people of the District and then increased the Federal share in order to try to equalize it and provide for this needed program. We have tried our best to give to you something that you could take, at least go along with at this time under the circumstances.

But, here is what we did, too. One that has concerned me, and that is about how this additional revenue was going to be utilized. I wanted to be sure that if the taxes were going to be increased on the people of the District, the money would be utilized for the purposes the taxes were levied. So, the bill, as was modified and introduced as a clean bill, contained a provision that any Federal share above $15.5 million would have to be spent on capital improvements and matched by a similar amount from taxation on the District of Columbia. I am referring to the general fund. The committee adopted a motion which I offered to reduce that amount to $12.5 million. We are now providing $12 million Federal share, and this bill says now that all over $12.5 million of Federal share must be spent for capital improvements with at least an equal sum from taxes from the District of Columbia. That is what we have done in an effort to be sure that these improvements so vitally needed would be provided for the people not only of the District but of the United States.

Mr. BONNER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from North Carolina.

Mr. BONNER. I understand on page 38 of the bill that you are going to double the cigarette tax.

Mr. HARRIS. The cigarette tax in the District of Columbia is now 1 cent, and this makes it 2 cents.

Mr. BONNER. You are going to double it?

Mr. HARRIS. Yes.

Mr. BONNER. Then I understand you are going to put a tax on groceries that the ordinary man buys at the grocery store.

Mr. HARRIS. It was decided to include the groceries.

Mr. BONNER. If the gentleman will just answer the question.

Mr. HARRIS. If the gentleman will permit me, I shall answer the question.

Mr. BONNER. It is a fair question.

Mr. HARRIS. It is, and I will be glad to answer it.

Mr. BONNER. Groceries that workingmen buy to take home for their little children.

Mr. HARRIS. The committee decided to include groceries under a 1-percent sales tax.

Mr. BONNER. So the gentleman is going to put a tax right on the food for little babies. The committee could not think of anybody in the District of Columbia, with all the wealth that is here, whom they could tax, but had to resort to a tax on the food that goes in little babies' mouths.

Mr. HARRIS. The gentleman from North Carolina [Mr. BONNER] has made a very appropriate and acceptable statement. He comes to us and tries to put a statement in the RECORD that would prejudice what the committee has tried to do. Of course, neither I nor any other member of the committee wants to impose any tax on little babies in the District of Columbia. Perhaps the gentleman does not know that out of 32 States in the United States which have the sales taxes 22 of them have full sales taxes on groceries.

Mr. BONNER. Apparently I have mentioned an item in this bill that is not so pleasing——

Mr. HARRIS. We took that into consideration, as we did all other matters.

Mr. BONNER. I do not care how many States have such a sales tax. I do not want to see it carried any further.

Mr. HARRIS. The gentleman has his own viewpoint, and all I am trying to do is to explain that we have done the best we could.

Mr. BONNER. A year or so ago the Congress removed certain taxes in the District that were imposed on those amply able to pay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 5 minutes to the gentlewoman from Ohio [Mrs. FRANCES P. BOLTON].

Mrs. FRANCES P. BOLTON. Mr. Chairman, I had not expected to speak

on this bill, but I find myself constrained to do so as I have been a taxpayer in the District and the owner of real estate since 1928, as well as during 2 years of World War I.

Those of us who take on the responsibility of citizenship in the District, if we may call it that when there we have no vote are quite ready to carry a certain part of the expense of making improvements in the city. One thing that troubles me mightly is that we, the Congress, have let the city run down. I am thinking of the description given by our esteemed colleague from Nebraska, Dr. MILLER, of wooden sewers that have burst, contaminating whole areas used for picnicking purposes, and so forth. That is a great tragedy for which we must assume blame.

Further also do I want to emphasize what our distinguished colleague, the gentleman from Virginia [Mr. SMITH] put so exceedingly well; that is, to spread the responsibility as broadly as possible for the payment of those expenses which, when made, will mean that the city of Washington, the Capital of our country, will be worthy of that name. It seems to me that this is very important.

I wonder if hospitals are in this bill, for I shall never forget my sense of shame when, years ago, I went to see a patient at the then Gallinger Hospital, a patient in a psychiatric ward. I found that they had only one set of sheets and pillowcases. They had one thermometer. They had one hot-water bag that worked. They had two doctors, only one of whom was on duty because the other one had to spend most of his time in the courts. The one on duty was a little bit of a woman, such a tiny woman. There was practically no therapeutic care of patients possible because the building was so antiquated. It had not been built for psychiatric patients and patients could not be carried down the stairs to the treatment rooms in the basement. If that had been possible the cabinets and tubs for quieting treatments could not be used if it were raining, because of the possibility of short-circuiting everything and so electrocuting the patient, so great was the leakage.

I am happy to say that a very up-and-coming superintendent of nurses remedied the sheet shortage by getting church societies to make the sheets, the material being supplied.

I hope this is not outside the present bill.

Mr. SMITH of Virginia. Mr. Chairman, will the gentlewoman yield?

Mrs. FRANCES P. BOLTON. I yield gladly.

Mr. SMITH of Virginia. I think perhaps I can correct the gentlewoman because we do have in here $14 million for hospitals and public health.

Mrs. FRANCES P. BOLTON. I am glad it really is in the bill so that I am not speaking out of order.

Mr. SMITH of Virginia. It is one of the most vital things in the bill.

Mrs. FRANCES P. BOLTON. It is one of the most vital things in the District.

I am sure we are agreed that there is a serious problem in our hospitalization and a serious problem in sanitation here in the District. We are not keeping ourselves in order. Just from a woman's standpoint I would like to see some good housekeeping put into effect here in the District. I cannot tell you, Mr. Chairman and members of the subcommittee and the committee, how deeply grateful I am as a woman and as taxpaying resident of this community that you have gone so deeply into the details, that you have studied the matter so carefully, and that you bring to us a bill which we can vote for with confidence and with courage. I trust that this bill will be passed immediately.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Chairman, I want to speak just for a minute or two on the motion to recommit, and to tell you why I think that motion should not be adopted. I am going to make a statement here which might seem inconsistent. I support the theory that prompts the motion to recommit. However, after sitting with the committee and helping work out the details of this bill, I found that I was in a minority because I would have made the sales tax even more than it is under this bill, for I feel that is the only way we can bring more people into paying their proportionate share of the cost of government in the District of Columbia. So those people who may have had their minds made up to support a motion to recommit because they oppose the feature in the bill which they said was placing a tax on food are not going to accomplish their purpose. If you send this bill back to the committee without any definite instructions, but merely ask the committee to study the situation some more, you are not necessarily going to bring about a reduction in sales tax; it might even be more.

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from New Jersey.

Mr. CANFIELD. However, is there not a big principle involved here? Will this not be the first time the Congress has ever laid a tax on groceries taken home for consumption?

Mr. JONES of Missouri. It may be the first time the Congress has voted a tax of that kind, but I would say that a majority of the Members of the Congress come from States which do tax the groceries. I think you can support this bill and still be in full agreement with the legislation in a majority of the States.

I want to reemphasize what the gentleman from Virginia [Mr. SMITH] said a moment ago: This bill in my opinion has given relief to the people in the low-income brackets because we are taking off the personal property tax, and the personal income tax does not start until the income exceeds $4,000. So I think we have been rather lenient there. Of course, the committee has not done what the Commissioners would have had us do. They would like to see a larger Federal contribution. On the other hand, I am a minority on the committee again, and I feel that we have possibly made this Federal contribution more than it should be. Those people who talk about home rule here in the District of Columbia, I am sure if the people here in the District had an opportunity to vote, they would vote for a still larger Federal contribution. But that does not make it right. I feel that we should have a higher real-estate tax here in the District, but again I was in the minority on the committee, but despite all the times that I have been in the minority, I realize the difficulty of bringing a bill here and I do feel that under the chairmanship of the able gentleman from Minnesota on this subcommittee, I think he and the other members of the committee, Judge SMITH, and Mr. HARRIS, of Arkansas, and others on the subcommittee have brought to you a reasonable bill, a fair bill, and a bill that does not raise excessive taxes. Still we are insisting that this money be spent properly. I think that is to be taken into account. In closing, I do want to say that if you are voting to recommit this bill because you are opposed to putting on a tax on food or because of further study, I would still say the gentleman who is going to make the motion to recommit has told you honestly and frankly he feels the sales tax should be larger. I agree with him on that, but at the same time I feel we have a good bill here and one that should be passed. The motion to recommit should be defeated.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I yield.

Mr. McMILLAN. The gentleman knows that I was not in favor of increasing the present sales tax to include food. I would also like to ask the gentleman if he thinks that increasing the tax on gasoline and cigarettes will enable the District government to collect any additional revenue.

Mr. JONES of Missouri. Yes, I really do because we are still not paying any higher than the prices in Virginia, which is one of our competitors. I feel on that basis we are being fair in that respect.

Mr. McMILLAN. Just about 5 years ago we increased the tax 1 cent on gasoline, and we lost hundreds of thousands of dollars in revenues.

Mr. JONES of Missouri. I think the figures show a definite rise there. I think we must realize that we are a competitor with the State of Virginia. In other words, I sleep in Virginia, but I buy my gasoline here in the District of Columbia at the present time, and probably if the price is the same, I would buy it over there in Virginia. In other words the resident of the District will have no incentive to go outside the District to buy gasoline.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, in concluding debate on this legislation, I want to point out that the responsibility will shortly shift from the committee to the House of Representatives itself. I certainly respect everyone's viewpoint with reference to any piece of legislation no matter how widely I might differ from their viewpoint. But may I point out to you that we, as the body of the Congress, charged with the responsibility under the Constitution and under our form of government of legislating for the people of the District of

Columbia do have a real responsibility in this situation. I realize that to some it may seem a terrible thing to add a 1-percent tax to a grocery bill. But I think it would be pretty terrible also if the water supply of the District of Columbia became so bad that little babies got diphtheria or some other serious disease. I think it also would be a very serious thing if because of the argument as to whether you should have private liquor stores or municipal liquor stores, we should send this bill back to the committee, which would mean the defeat of the bill. I think it is highly important that all of the problems of the District be treated intelligently. Some of the gentlemen who have spoken have said that they were not pleased with all of the provisions of this bill. Let me say to you in all candor neither am I satisfied with all of the provisions of the bill, but we have had to reconcile as much as we could the differences between the joint committees of both the Senate and the House, as we did when it was returned to the District Committee. There were two small amendments before the District of Columbia Committee with which I differed with my colleagues. However, the majority of the committee felt they should be agreed to. Nevertheless, I am thoroughly in support of this legislation, because I have been here long enough to realize that all legislation is the result of compromise.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman from South Carolina.

Mr. McMILLAN. I wonder if the gentleman can tell me something about this 1-cent tax on cigarettes. Does the gentleman realize that you also have a 10-cent tax on every pack of cigarettes that is sold?

Mr. O'HARA of Minnesota. Oh, I realize that, as there is on gasoline and a lot of other things.

Mr. McMILLAN. Just about twice as much as the farmer gets out of a pack of cigarettes.

Mr. O'HARA of Minnesota. Yes. I get tired every time we have a tax bill. The first four things they talk about are cigarettes, gasoline, beer, and liquor. I get tired of all that, but I cannot help feeling my responsibility as a member of the District of Columbia Committee in maintaining our Nation's Capital, both as to water and sanitation, schools, and all of the other responsibilities that are ours in passing on these problems. I do not like sales taxes. I see my friend from Ohio. I have gone through the gentleman's State for a number of years, and every time I eat a meal there I pay a good, healthy sales tax. But I do not complain about that. Twenty-two States out of 32 have a sales tax on groceries, up to 3 percent. Those States have not fallen apart on account of that.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield.

Mr. HAYS of Ohio. I object to a sales tax on groceries taken home for consumption. But that was not the question I wanted to ask the gentleman. I am trying to get some information. I have heard a lot about the Federal Government's share. Can the gentleman tell me what percent of the real estate in the District is owned by the Federal Government?

Mr. O'HARA of Minnesota. Yes. The Federal Government owns 48.2 percent of the real estate.

Mr. HAYS of Ohio. Now what percent of the total cost of running this District Government is this $20 million that some people think is too much?

Mr. O'HARA of Minnesota. I think it is about one-eighth; one-seventh or one-eighth.

Mr. HAYS of Ohio. In other words, the Federal Government owns 42 percent of the property and pays 12½ percent of the taxes?

Mr. O'HARA of Minnesota. About that. At one time it paid 50 percent, I will say to the gentleman. Then it was reduced to 40 percent, and finally it has gotten down to about 7 or 8 percent.

The CHAIRMAN. The gentleman from Minnesota has consumed 5 minutes.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield myself 3 additional minutes.

Mr. HALE. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman from Maine.

Mr. HALE. One type of food that goes into the mouths of babies is milk. Is the gentleman aware whether the production of milk is taxed at any point?

Mr. O'HARA of Minnesota. It is not my understanding that it is taxed.

Mr. HALE. Is the ownership of the cows taxable?

Mr. O'HARA of Minnesota. Yes.

Mr. HALE. The ownership of land on which the cows feed and graze?

Mr. O'HARA of Minnesota. Certainly it is taxable. But I was thinking of the raw product.

Mr. HALE. Is there a quart of milk sold anywhere in the United States on which taxes are not an important element of the cost?

Mr. O'HARA of Minnesota. That is true. In other words, under this bill if a fellow owned a cow in the District of Columbia he would not be paying any personal-property tax on that cow, though.

Mr. O'HARA of Minnesota. I believe he would pay a tax on his cow.

Mr. JONES of Missouri. Another thing, I think the gentleman from Ohio may have left the wrong impression on the minds of some people about this percentage of real estate owned by the Federal Government. You do not want to imply that this total contribution of the Federal Government was just a small portion of the real estate tax, because that would be the only basis upon which you could make the comparison as suggested by the gentleman from Ohio. The Federal Government is making a generous contribution, not to mention the many services that we are giving the District and the people living therein which are not included in the Federal contribution.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield, since this seems to refer to me?

Mr. O'HARA of Minnesota. I yield.

Mr. HAYS of Ohio. The gentleman apparently defines "generosity" differently than I do. I do not think the Federal Government is very generous in its contribution.

Mr. JONES of Missouri. There is certainly a difference of opinion.

Mr. O'HARA of Minnesota. I would like to say, speaking of the Federal Government, and in conclusion, that I think the Federal Government should increase, and I feel very strongly that they should increase, their contribution.

Let me say in conclusion that I feel relieved in discharging a responsibility which has been that of the committee to you of the Congress here and the Members of this body, and I do urge you—this is good, sound legislation—to vote down the motion to recommit, and to pass this bill.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield.

Mr. HALLECK. I wish to commend the gentleman as chairman of the subcommittee and the chairman of the full committee, and all members of the committee who have worked so well and so efficiently in bringing this bill to the floor. I think it certainly is a good job, and I want to commend the committee for it.

Mr. O'HARA of Minnesota. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Minnesota has expired; all time for general debate has expired.

Under the rule, the bill is considered as having been read for amendment. No amendment to the bill is in order except amendments offered by direction of the Committee on the District of Columbia.

The Clerk will report the committee amendments.

The Clerk read as follows:

On page 28, line 22, preceding "(d)" strike the word "and."

On page 28, line 23, strike the period and insert the following: "; and (e) class E is amended to read 'Class E. Motor vehicles not propelled by gasoline, double the fees for similar vehicles propelled by gasoline, other than motor vehicles used for the transportation of passengers'."

On page 32, line 3, insert a quotation mark at the beginning of line.

On page 32, line 11, strike "15,500,000" and insert "12,500,000."

On page 32, line 18, strike the word "this" and insert in lieu thereof "the preceding."

On page 37, line 8, strike "$1.75" and insert "$1.50."

On page 48, line 15, strike "2 cents" and insert "1 cent."

The committee amendments were agreed to.

The CHAIRMAN. Are there further committee amendments?

There being none, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GROSS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 8097) to authorize the financing of a program of public-works construction for the District of Columbia, and for other purposes, pursuant to House Resolution 479, he reported the bill back

to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is considered as ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse.

The amendments were agreed to.

CALL OF THE HOUSE

Mr. SIMPSON of Illinois. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifty Members are present, not a quorum.

Mr. ARENDS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 37]

Albert	Green	Neal
Battle	Gwinn	O'Brien, N. Y.
Becker	Hand	O'Konski
Bentley	Harrison, Va.	Osmers
Bonin	Hart	Patman
Boykin	Heller	Patten
Bramblett	Hess	Patterson
Brown, Ohio	Hillings	Powell
Buckley	Holt	Radwan
Celler	Holtzman	Reed, N. Y.
Chelf	Howell	Regan
Chudoff	Hunter	Richards
Clardy	Javits	Riehlman
Colmer	Jensen	Rivers
Condon	Jones, Ala.	Roberts
Corbett	Judd	Rooney
Cotton	Kearney	Roosevelt
Coudert	Kelley, Pa.	Scott
Delaney	Keogh	Shelley
Dingell	Klein	Smith, Kans.
Dodd	Krueger	Steed
Dollinger	Laird	Stringfellow
Donovan	Lucas	Taylor
Dorn, N. Y.	Lyle	Tuck
Evins	McConnell	Velde
Fine	McCulloch	Vinson
Fino	Mack, Wash.	Weichel
Fogarty	Martin, Iowa	Wharton
Graham	Mason	Wilson, Ind.
Granahan	Morgan	Winstead

The SPEAKER. On this roll call 343 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DISTRICT OF COLUMBIA PUBLIC WORKS ACT OF 1954

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. McMILLAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman from South Carolina opposed to the bill?

Mr. McMILLAN. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McMILLAN moves to recommit the bill H. R. 8097 to the Committee on the District of Columbia for further study on the tax problem involved.

Mr. O'HARA of Minnesota. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on a motion to recommit.

Mr. SUTTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were denied.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

TAX RELIEF AND TAX EVASION

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include 3 editorials.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. GATHINGS. Mr. Speaker, there must be a stopping point somewhere in enacting tax-relief proposals. If we spend money, we must in turn tax our people to pay for such outlays in governmental costs. To cut taxes further at this time is unwarranted. Instead, our thoughts and energies should be directed to keeping governmental expenditures in balance with receipts.

It would be a great thing if the country were in a position at this time to increase individual exemptions or to offer other forms of tax relief in addition to the recent enactments. Such action would be well received by the taxpayer.

In the last few months quite a lot of tax relief has been offered the American taxpayer. The total of this relief is $7,300,000,000 after taking into consideration the reductions carried in the bill just passed. The first reduction was 10 percent on income taxes which relieved the taxpaying public of $3 billion. The excess-profits-tax legislation cut down the revenue by a sizable figure. In addition, only last week the excise-tax-reduction bill trimmed, by 50 percent, taxes on jewelry, furs, luggage, cosmetics, transportation fare, theater admissions, telephone and telegraph services, as well as other items.

Solvency and the well-being of the Nation's economy was the issue when the House rejected the motion to recommit the tax bill, which motion would have removed the provision respecting double taxation of dividends and would have increased the personal exemption from $600 to $700. It was a tense House that rejected the recommittal motion by a close vote of 210 to 204. The minority Democratic spokesman argued that the way to bring tax relief was to increase the personal-tax exemption by $100. The majority Members countered with the argument that the bill before the House was a tax revision bill and not a tax reduction bill. The bill, as reported from the Committee on Ways and Means, offered relief for working mothers, credit for retirement income, raised allocations for medical services, and eliminated hundreds of inequities in our present tax statutes. The bill provided savings to the individual taxpayer of some $800 million and gave considerable relief to business. The motion to recommit had the effect of gaining $230 million by striking out the provision in the bill dealing with dividends and would lose $2,400,000,000 in revenue by increasing personal exemptions.

It is essential and necessary that appropriations be made for the national defense here and abroad to secure the Nation against attack. Adequate capital for Commodity Credit Corporation should be provided so that agricultural commodities may be supported. Flood-control projects, highway and other public works, as well as the cost of all phases of governmental activities, must be provided. The national debt has climbed to the unprecedented height of $272 billion. The deficit in the current fiscal year which ends on June 30, 1954, is $9 billion. The budget which was sent to Congress by the Chief Executive for the fiscal year commencing July 1, 1954, is expected to exceed the amount of intake by more than $2 billion. One of the greatest problems that faces our people is to make sure that the dollar will not continue to depreciate and thereby blot out the savings that have been accumulated through the years.

I include as part of my remarks editorials appearing in the Memphis Commercial Appeal and the Memphis Press-Scimitar:

[From the Memphis Commercial Appeal of March 20, 1954]

GOOD SENSE WINS

Members of the House of Representatives have approved, by a narrow margin, a sensible pace in tax reduction.

The pull toward faster reductions during this election year is tremendous. Hope that a majority of voters will see inflation and higher real cost in failure to pay the cost of Government is, in a way, a vote of confidence in maturity of the public thinking.

The issue was whether the first $600 a year of income should be exempt from Federal income tax, or the figure should be raised now to $700. The Republican Party leadership took a stand for holding the $600 level and only 10 Republican House Members disagreed. The Democratic Party undertook to reduce Federal Treasury income by exempting another $100 of income from the tax, and all but 9 of the party's House members agreed. The net result was a margin of 6 for delaying this form of tax relief at least another year.

The administration proposal accepted by the House and now before the Senate limits this year's tax reductions to about 1.4 billion. It is a sizable reduction in view of the fact that inflation still is a danger, with income smaller than outgo.

It recognizes the "baby-sitter" expense of working widows, by allowing income of $600 a year to be exempt from Federal income tax if a widow, widower or legally separated parent has that much child care expense.

It allows deductions for medical and dental expenses to begin when they reach 3 percent of income, in place of the old rule that consideration for these expenses began at 5 percent.

There is mercy for the parents of college-age children who have had to stop working when their parttime or summer earnings reach $599, at the peril of sharply higher taxes for the parents.

There is consideration for the aged in allowing those over 65 freedom from Federal income taxes on retirement incomes up to $1,200 a year.

There is building for the future in allowing farmers to deduct 20 percent of soil-conservation expenses.

Investment of corporation stocks is encouraged by removal of taxation on the first $50 in dividends this year and the first $100 next year. This clause of the proposal has reductions which become smaller as the size of the dividends mounts.

Faster depreciation of business property valuations for tax purposes is offered as encouragement to expansion of the plants that provide the Nation's industrial payrolls.

Both parties want to reduce the wartime level of taxes as quickly as possible. It is a question of how fast they can be reduced.

In the Senate the Democratic leadership still advocates allowing $800 of this year's income to go untaxed and $1,000 next year. They have lost the fight for a $700 exemption in the House, but have hopes of an even higher exemption in the Senate.

The vote will be close. Public reaction to the House vote, if it reaches the Senators in time, could be decisive. We believe the public has seen enough of inflation to accept the administration's schedule for lowering taxes.

[From the Memphis Press-Scimitar of March 16, 1954]

PERSONAL EFFECTS OF TAX CUTS

In his tax speech to the Nation last night, President Eisenhower, as he said at the outset, was dealing with a question of personal and direct concern to all of us.

Any change in the tax rates, of course, affects everyone. But the effect is not always immediate or direct. Often the indirect, long-range effects are more potent.

This is the case with the tax-cut proposals which go before the House this week. Over and beyond the administration's own tax-reduction program, these proposals would trim everybody's income tax by raising the exemption and even would relieve millions from paying any taxes at all.

To these people, that would mean a few extra bucks in the pocket—this year.

But in the long run it would mean fewer dollars in the pocket. Because the Government would have to borrow just that much more and, sooner or later, what's borrowed has to be paid back, with interest.

There also is a short-haul, and very personal, effect of the kind of tax-cut rage which now seems to have seized Congress.

Government borrowing is inflationary. The more of it there is the more inflationary. So that an overly deep tax reduction which creates rising Government deficits actually could—and probably would—take more money out of a taxpayer's pockets than it leaves. It would take it away from him in higher prices for the things he buys.

The President's purpose, of course, in delivering last night speech was to arouse public support for his program, and thus stop the short-sighted, deficit-making tax-cut craze current in Congress. But the soundness of his speech did not make it stirring, and it is not human nature to react militantly against an offer of pie in the sky.

All the arithmetic and logic, nevertheless, are on the President's side.

[From the Memphis Press-Scimitar of March 20, 1954]

COUNTRY ABOVE PARTY

We are for the two-party system.

It makes democracy practical, yet helps preserve the checks and balances necessary to preserve our freedoms.

Often, conscientious Congress Members can honestly maintain that they are serving their country best by following their party line. But times come when they must take their stand on the basis of the best interests of the country and the people as a whole instead of on the basis of what seems best at the moment for the party.

We believe Representative E. C. GATHINGS, Democrat of Arkansas, met the test properly in one of these times, when he voted against the Democrat-sponsored proposal to raise income tax exemptions from $600 to $700.

"Such action would be inflationary," Representative GATHINGS said—meaning that the result would not be an actual tax cut, but would devalue the dollar so as actually to take away as much as it seems to give and maybe more.

President Eisenhower made another good point against increasing exemptions the other night; such increases would remove millions from the tax rolls entirely, and it is not good to have a big bloc of citizens who pay no Federal taxes. The tax burden should be shared proportionately by all able to pay. Not only is that the fair thing, but also there will be more interest in keeping government good if all citizens have a financial stake in it.

SPECIAL ORDER GRANTED

Mr. GATHINGS asked and was granted permission to address the House for 25 minutes on Thursday next, following the legislative business of the day and any other special orders heretofore entered.

JOINT COMMITTEE ON CENTRAL INTELLIGENCE

Mr. BROWNSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BROWNSON. Mr. Speaker, I am introducing today a House Concurrent Resolution calling for the establishment of a Joint Committee on Central Intelligence. This resolution is identical to one introduced in the Senate on March 10 by Senator MANSFIELD and cosponsored by 20 other Senators from both parties, including Mr. BARRETT, Mr. BURKE, Mr. BUTLER of Maryland, Mr. CAPEHART, Mr. CLEMENTS, Mr. DANIEL, Mr. GEORGE, Mr. GILLETTE, Mr. HUMPHREY, Mr. JOHNSON of Colorado, Mr. JOHNSTON of South Carolina, Mr. KILGORE, Mr. LEHMAN, Mr. MAYBANK, Mr. MARTIN, Mr. MUNDT, Mr. MURRAY, Mr. NEELY, Mr. PASTORE, and Mr. FULBRIGHT.

For some time I have been aware of the problems of dealing wisely with the needs of and guidance for the Central Intelligence Agency. With our Government established on a basis of checks and balances between the executive, judicial, and legislative branches, the strong interdependence between the three renders ultimate control of policy and direction in policy matters responsive to the people. A governmental agency under the executive branch that, of necessity, operates in an area of supersecrecy as does the CIA is bound to create criticism of its operations which may often be unjustified and misunderstood.

When the CIA was established in 1947, most Americans realized that the United States was confronted with an enemy ideological and military, who would use any means to destroy our freedom. Information and intelligence on the capabilities and intentions of such an enemy became imperative, particularly in view of the development of atomic energy. Yet, even with the clear need for some such an agency as CIA, many harbored sincere doubts as to whether such an organization had any permanent place in a democracy in peacetime.

The need for the Central Intelligence Agency is no longer questioned to any appreciable degree and I am certainly not advocating that any radical changes be made in its operation now. What I am concerned with is the position of CIA, which makes the Agency responsible to none but the National Security Council, which in turn represents the executive branch, solely.

There has been almost no congressional inspection of the CIA since its formation in 1947. It is apparent that had a clear need for a permanent intelligence coordinating operation been generally accepted in 1946, some provision for congressional participation and review within the committee structure of the Congress would have been provided by the Reorganization Act of 1946 to cover the CIA. As it is now CIA is completely relieved from practically every traditional congressional check. Control of its expenditures is exempt from many of the provisions of law that prevent financial abuses in other Government agencies. Its appropriations are hidden in allotments to other bureaus and the Bureau of the Budget does not report CIA's personnel strength to Congress. Only a handful of Members in either House see even the appropriation figures. The only review of the Agency's operation is a briefing supplied to a few members of the Appropriations Committee.

Mr. Speaker, I agree that an intelligence agency must maintain complete secrecy to be effective. If clandestine sources of information are not protected much of the efficiency of any intelligence operation is lost. Secrecy for intelligence's sake is a far different thing than secrecy for secrecy's sake. As the CIA operates today we have no way of knowing whether we have an efficient operation or not. Secrecy now veils everything it does—its cost, its successes or failures, its size, its area of operation. Attempts to get information along these lines is met with a resistance not encountered in any other field of Government operation, today.

I do not think it would hinder the operation of CIA to subject it to the same type of intelligently administered congressional supervision that exists for the Atomic Energy Commission. The AEC is certainly operating in a field that requires, and rightly so, the highest degree of secrecy and it is not subject to the abuses of unwarranted attacks or premature disclosures of classified information by uncoordinated investigations by a number of congressional committees that could conceivably have an interest in its operations. The establishment of the Joint Committee on Atomic Energy has functioned extremely well in this similar area and has not only aided the Atomic Energy program but by its very existence has protected the secrecy under which the AEC operates while still safeguarding the interests of the Congress and the taxpayers.

The resolution I am introducing would provide for a joint committee composed of 5 Members of the House appointed by the Speaker and 5 Members of the Senate appointed by the President of the Senate. In both Houses not more than 3 Members would be of the same party. The committee would function in the same manner and under the same general rules of procedure that govern the Joint Committee on Atomic Energy.

Mr. Speaker, it is my sincere opinion that this committee is of extreme importance and should be established as soon as possible.

Senate Concurrent Resolution 69

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a Joint Committee on Central Intelligence to be composed of 5 Members of the Senate to be appointed by the President of the Senate and 5 Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than three members shall be members of the same political party.

SEC. 2. The joint committee shall make continuing studies of the activities of the Central Intelligence Agency and of problems relating to the gathering of intelligence affecting the national security and of its coordination and utilization by the various departments, agencies, and instrumentalities of the Government. The Central Intelligence Agency shall keep the joint committee fully and currently informed with respect to its activities. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Central Intelligence Agency shall be referred to the joint committee.

The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the joint committee or (2) otherwise within the jurisdiction of the joint committee.

SEC. 3. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

SEC. 4. The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

SEC. 5. The joint committee is empowered to appoint such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

SEC. 6. The expenses of the joint committee, which shall not exceed $ per year, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers signed by the chairman. Disbursements to pay such expenses shall be made by the Secretary of the Senate out of the contingent fund of the Senate, such contingent fund to be reimbursed from the contingent fund of the House of Representatives in the amount of one-half of the disbursements so made.

GIVE GOVERNMENT FOOD TO AMERICA'S NEEDY

The SPEAKER. Under previous order of the House the gentleman from Oregon [Mr. ANGELL] is recognized for 20 minutes.

Mr. ANGELL. Mr. Speaker, I introduced H. R. 8351 on March 11, 1954, which has for its purpose to provide supplemental benefits for individuals receiving aid under the programs of old-age assistance, aid to dependent children, aid to the blind, and aid to the totally and permanently disabled as provided under the Social Security Act. A similar bill, S. 3092, was introduced in the Senate and was sponsored by a large number of Senators.

I have always felt that it is ill-advised to have permitted immense quantities of foods and other staples essential for the welfare of our citizens to accumulate and in many instances to deteriorate or spoil, rendering them worthless for human use. Indeed in many instances under previous administrations large quantities of food were destroyed. We all recall when huge quantities of potatoes were saturated with gasoline rendering them unfit for human consumption.

U. S. Department of Agriculture, Commodity Credit Corporation—Report of price support commodities as of Mar. 10, 1954, based on records and known commitments in CSS commodity divisions and offices

Commodity	Unit of measure	Estimated stocks in merchandising position [1]	Estimated total stocks [2]		
			Quantity	Approximate unit cost	Total cost (thousands)
Cotton:					
Upland	Bale	235,400	235,400	$142.74	$33,601
Linters	do	828,326	1,062,964	57.98	61,631
Dairy:					
Butter	Pound	251,261,000	301,446,000	.6728	202,813
Cheese	do	235,429,000	312,802,000	.4059	126,966
Milk, dried	do	381,808,000	522,128,000	.1673	87,352
Grains and seeds:					
Barley	Bushel	432,000	455,000	1.43	651
Beans, dry edible	Hundredweight	548,000	549,000	11.76	6,456
Corn	Bushel	420,269,000	439,155,000	1.64	720,214
Flaxseed	do	185,000	226,000	4.11	929
Grain sorghum	Hundredweight	9,000	25,000	2.56	64
Rye	Bushel	144,000	145,000	1.70	247
Seeds, hay and pasture	Pound	76,447,000	78,078,000	.4735	36,969
Seeds, winter cover crop	do	27,212,000	34,322,000	.0887	3,044
Soybeans	Bushel	None	None		
Wheat	do	414,693,000	427,631,000	2.63	1,124,670
Naval stores:					
Rosin	517-pound drum	602,446	602,446	38.75	23,345
Turpentine	50-gallon barrel	43,565	43,565	26.52	1,155
Oils and peanuts:					
Cottonseed oil, crude	Pound	18,660,000	18,660,000	.1265	2,360
Cottonseed oil, refined	do	865,281,000	997,190,000	.1819	181,390
Linseed oil	do	84,724,000	129,242,000	.2058	26,598
Olive oil	Gallon	62,791	551,242	2.53	1,395
Peanuts, farmers' stock	Ton	8,806	8,806	220.29	1,940
Tung oil	Pound	4,586,000	5,737,000	.2657	1,524
Tobacco	do	4,183,000	4,183,000	.2830	1,184
Wool:					
Pulled	do	6,283,000	6,283,000	1.20	7,540
Shorn	do	85,204,000	85,204,000	.6237	53,142
Total					2,707,180

[1] Estimated CCC stocks which are in store and not committed for sale or movement.
[2] Estimated total stocks owned by CCC, including stocks shown in col. 1, plus commitments to purchase less commitments to sell.

The following report shows huge surpluses now held by the Federal Government as of March 10, 1954:

It will be noted in dairy commodities alone, the Federal Government has in stock or purchases uncommitted butter, 301,446,000 pounds; cheese 312,802,000 pounds and milk 522,128,000 pounds. Why should not our needy citizens be permitted to receive a fair distribution of these foods so much needed by them and which otherwise they are unable to obtain?

There are millions of worthy citizens in the United States in the groups which this bill seeks to help who are living on a meager income and in many cases insufficient to meet their minimum needs for health and comfort. It seems indefensible that this Government with its outstanding productive facilities and capacity should permit these worthy citizens to be in want for the very surplus products they need and which are held in storage by the Federal Government. The enormous storage bill alone on these products is staggering, averaging approximately $15 million a month.

Under the provisions of this bill increased domestic consumption of agricultural food products is provided by establishing a program whereby the monthly benefit payments of such individuals will be supplemented by the issuance of certificates which may be transferred to retail food products dealers in exchange for surplus agricultural food products, at prevailing market prices.

Under the provisions of the bill the Secretary of Agriculture would have authority to determine each month the agricultural commodities held by the Government which could be released to satisfy domestic demands without depressing the market price. Individuals receiving assistance for monthly benefits would be entitled to receive as a supplemental benefit each month, in addition to those they would already receive, $10 in face amount of surplus food certificates to be applied by the respective individuals toward purchase price of the agricultural surplus food products.

It is clear that such a program increasing domestic consumption of surplus agricultural food products would solve the problem now facing the Government with these huge surpluses piling up from day to day, and would most importantly, provide the necessities of life to these large groups of worthy citizens who are in need. These low income groups, most of whom are depending on public benefits, find themselves in an economic squeeze between the continued high cost of living and the lack of funds with which to meet their meager requirements.

I most sincerely hope that this bill or legislation of a similar type will be enacted by this Congress in order not only to solve the problem of the disposition of the enormous surpluses piling up under the Commodity Credit support program but to relieve the hardship and suffering of millions of needy citizens.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCOTT (at the request of Mr. ARENDS), for today, on account of official business.

Mr. NEAL (at the request of Mr. CANFIELD), for today and tomorrow, March 22 and 23, on account of death in family.

EXTENSION OF REMARKS

By unanimous consent permission to extend remarks in the RECORD, or to revise and extend remarks, was granted to:

Mr. HOSMER.

Mr. CURTIS of Missouri.

Mr. RODINO (at the request of Mr. LANE).

Mr. BURDICK.

Mr. HOFFMAN of Michigan.

Mr. BARRETT.

Mr. WILLIS and to include extraneous matter.

Mr. GENTRY.

Mr. BENDER in three instances.

Mr. WESTLAND.

Mr. SHAFER.

Mr. MULTER.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 70. Concurrent resolution favoring the designation and observance of March 7 of each year as Friendship Day; to the Committee on the Judiciary.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 179. An act for the relief of Insun Lee;

S. 214. An act for the relief of Geraldine B. Mathews and Ruth H. Haller;

S. 1548. An act to provide for the exchange between the United States and the Commonwealth of Puerto Rico of certain lands and interests in lands in Puerto Rico;

S. 2108. An act for the relief of Lieselotte Sommer; and

S. 2151. An act for the relief of Mrs. Ala Olejcak (nee Holubowa).

ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 25 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 23, 1954, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1373. A letter from the Assistant Secretary of Defense, transmitting a report on contracts negotiated for research and development projects, and industrial mobilization type projects, pursuant to sections 2 (c) (11) and 2 (c) (16) of Public Law 413, 80th Congress; to the Committee on Armed Services.

1374. A letter from the Secretary of the Air Force, transmitting a draft of legislation entitled "A bill to repeal certain laws relating to professional examinations for promotion of medical, dental, and veterinary officers of the Army and Air Force;" to the Committee on Armed Services.

1375. A letter from the Assistant Secretary of the Interior, transmitting two proposed awards of concession permits to Robert Eslinger and Maxine Lambert which will, when approved by the regional director, region 1, National Park Service, authorize the sale of firewood at camp grounds in Great Smoky Mountains National Park, Tenn., for the period April 15, 1954, to October 31, 1954; to the Committee on Interior and Insular Affairs.

1376. A letter from the Assistant Secretary of the Interior, transmitting one copy each of certain bills passed by the Legislative Assembly of the Virgin Islands and the Municipal Council of St. Croix, pursuant to section 16 of the Organic Act of the Virgin Islands of the United States approved June 22, 1936; to the Committee on Interior and Insular Affairs.

1377. A letter from the Assistant Secretary of the Interior, transmitting a copy of a law enacted by the Second Guam Legislature, pursuant to section 19 of Public Law 630, 81st Congress, the Organic Act of Guam; to the Committee on Interior and Insular Affairs.

1378. A letter from the Assistant Secretary of the Navy for Air, transmitting the third semiannual report of contracts, in excess of $50,000, for research, development and experimental purposes awarded by the Department of the Navy, for the period July 1 through December 31, 1953, pursuant to section 4 of Public Law 557, 82d Congress; to the Committee on Armed Services.

1379. A letter from the Secretary of State, transmitting the 12th semiannual report of the international educational exchange program of the Department of State, for the period July 1 to December 31, 1953, pursuant to section 1008 of Public Law 402, 80th Congress; to the Committee on Foreign Affairs.

1380. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to amend section 1 (d) of the Helium Act (50 U. S. C., sec. 161 (d)) and to repeal section 3 (13) of the act entitled 'An act to amend or repeal certain Government property laws, and for other purposes,' approved October 31, 1951 (65 Stat. 701)"; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of March 18, 1954, the following bill was reported on March 19, 1954:

Mr. TABER: Committee on Appropriations. H. R. 8481. A bill making supplemental appropriations for the fiscal year ending June 30, 1954, and for other purposes; without amendment (Rept. No. 1372). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of Ohio: Committee on Rules. House Resolution 479. A resolution for consideration of H. R. 8097, a bill to authorize the financing of a program of public works construction for the District of Columbia, and for other purposes; without amendment (Rept. No. 1373). Referred to the House Calendar.

Mr. BROWN of Ohio: Committee on Rules. House Resolution 480. A resolution for consideration of H. R. 8152, a bill to extend to June 30, 1955, the direct home and farmhouse loan authority of the Administrator of Veterans' Affairs under title III of the Servicemen's Readjustment Act of 1944, as amended, to make additional funds available therefor, and for other purposes; without amendment (Rept. No. 1374). Referred to the House Calendar.

[*Submitted March 22, 1954*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONDERO: Committee on Public Works. House Concurrent Resolution 214. Concurrent resolution expressing the sense of Congress that the Sanitary Engineering Center, Cincinnati, Ohio, should be known as the "Robert A. Taft Sanitary Engineering Center"; without amendment (Rept. No. 1377). Referred to the House Calendar.

Mr. HOPE: Committee on Agriculture. H. R. 6711. A bill to further amend section 13 of the Federal Farm Loan Act, as amended, to authorize the Federal land banks to make a bulk purchase of certain remaining assets of the Federal Farm Mortgage Corporation; without amendment (Rept. No. 1378). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'HARA of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 7380. A bill to authorize the Secretary of Commerce to reconvey certain property which the city of Boulder, Colo., donated to the Secretary of Commerce for the establishment of a radio propagation laboratory; without amendment (Rept. No. 1379). Referred to the Committee of the Whole House on the State of the Union.

Mr. REED of Illinois: Committee on the Judiciary. S. 24. An act to permit review of decisions of Government contracting officers involving questions of fact arising under Government contracts in cases other than those in which fraud is alleged, and for other purposes; with amendment (Rept. No. 1380). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 2009. A bill to authorize the sale of certain land in Alaska to the Niniichik Hospital Association, of Niniichik, Alaska, for use as a hospital site and related purposes; with amendment (Rept. No. 1375). Referred to the Committee of the Whole House.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 2016. A bill to authorize the Secretary of the Interior to sell certain land to the Board of National Missions of the Presbyterian Church in the United States of America; with amendment (Rept. No. 1376). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of March 18, 1954, the following bill was introduced on March 19, 1954:

By Mr. TABER:

H. R. 8481. A bill making supplemental appropriations for the fiscal year ending June 30, 1954, and for other purposes; to the Committee on Appropriations.

[*Introduced and referred March 22, 1954*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES:

H. R. 8482. A bill to increase the amount of guaranty by the Veterans' Administration on certain home loans made pursuant to the Servicemen's Readjustment Act of 1944, as amended; to the Committee on Veterans' Affairs.

By Mr. CARRIGG:

H. R. 8483. A bill to make affiliation with the Communist Party of the United States unlawful; to the Committee on the Judiciary.

By Mr. DONOHUE:

H. R. 8484. A bill to amend the Tariff Act of 1930 to insure that crude silicon carbide imported into the United States will continue to be exempt from duty; to the Committee on Ways and Means.

By Mr. EDMONDSON:

H. R. 8485. A bill to increase the amount of guaranty by the Veterans' Administration on certain home loans made pursuant to the Servicemen's Readjustment Act of 1944, as amended; to the Committee on Veterans' Affairs.

H. R. 8486. A bill to amend section 502 of the Servicemen's Readjustment Act of 1944, so as to increase the maximum amount in which farm realty loans may be guaranteed thereunder; to the Committee on Veterans' Affairs.

By Mr. GUBSER:

H. R. 8487. A bill to amend the act of June 19, 1948, to provide for censuses of manufactures, mineral industries, and other businesses, relating to the year 1954; to the Committee on Post Office and Civil Service.

By Mr. HOSMER:

H. R. 8488. A bill to restore eligibility of certain citizens or subjects of Germany or Japan to receive benefits under veterans' laws; to the Committee on Veterans' Affairs.

By Mr. MILLER of Maryland:

H. R. 8489. A bill to accelerate consideration by the courts of criminal proceedings involving treason, espionage, sabotage, sedition, and subversive activities, and to increase to 15 years the statute of limitations applicable to such offenses; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H. R. 8490. A bill to appropriate money for the construction of the Calumet-Sag Channel, Ill., and for other purposes; to the Committee on Appropriations.

By Mr. OSTERTAG:

H. R. 8491. A bill to amend the Social Security Act to provide increased old-age insurance benefits upon retirement for individuals who continue in covered employment beyond retirement age, and to reduce from 75 to 70 the age beyond which deductions will not be made from benefits on account of outside earnings; to the Committee on Ways and Means.

By Mr. TOLLEFSON:

H. R. 8492. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide that transfers of real property from certain Government corporations to other Government agencies shall not operate to remove such real property from local tax rolls; to the Committee on Government Operations.

By Mr. WESTLAND:

H. R. 8493. A bill to provide an adequate, balanced, and orderly flow of milk and dairy products in interstate and foreign commerce; to stabilize prices of milk and dairy products; to impose a stabilization fee on the marketing of milk and butterfat, and for other purposes; to the Committee on Agriculture.

By Mr. YORTY:

H. R. 8494. A bill to amend the Fair Labor Standards Act of 1938, as amended, and for other purposes; to the Committee on Education and Labor.

By Mr. COOLEY:

H. R. 8495. A bill to promote the agriculture of the United States by acquiring and diffusing useful information regarding agriculture in foreign countries and the marketing of American agricultural commodities, and the products thereof, outside of the United States; to authorize the creation of an Agricultural Foreign Service in the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. CURTIS of Missouri:

H. R. 8496. A bill to amend H. R. 8300, an act to revise the internal revenue laws of the United States; to the Committee on Ways and Means.

By Mr. HINSHAW:

H. R. 8497. A bill to facilitate the entry of certain nationals on a reciprocal basis in the interest of trade and commerce; to the Committee on the Judiciary.

By Mr. PHILLIPS:

H. R. 8498. A bill authorizing construction of works to reestablish for the Palo Verde Irrigation District, California, a means of diversion of its irrigation water supply from the Colorado River, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS of New Jersey:

H. R. 8499. A bill to amend and revise the laws relating to immigration, naturalization, nationality, and citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. KEARNEY:

H. J. Res. 477. Joint resolution placing individuals who served in the temporary forces of the United States Navy during the Spanish-American War in the same status as those individuals who served in the Army for equal periods of time during that war and who were given furloughs or leaves upon being mustered out of the service; to the Committee on Veterans' Affairs.

By Mr. BOSCH:

H. J. Res. 478. Joint resolution directing the Civil Aeronautics Board and the Federal Air Coordinating Committee of the Department of Commerce to carefully investigate the so-called Rome convention limiting payment arising out of ground accidents caused by overseas air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNSON:

H. Con. Res. 217. Concurrent resolution establishing a Joint Committee on Central Intelligence; to the Committee on Rules.

By Mr. CURTIS of Massachusetts:

H. Con. Res. 218. Concurrent resolution favoring the waiver of State residence requirements in elections of Federal officials; to the Committee on House Administration.

By Mr. SHAFER:

H. Con. Res. 219. Concurrent resolution expressing the sense of the Congress as to use of funds appropriated by the Congress for rehabilitation of the Republic of Korea for the encouragement of private enterprise in said Republic of Korea; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred, as follows:

By the SPEAKER: Memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States relative to the establishment of an Air Force Academy in Arizona; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of Michigan, memorializing the President and the Congress of the United States relative to their senate concurrent resolution No. 21, requesting the Air Force of the United States to establish a national Air Academy at Fort Custer and to utilize the facilities of the Percy Jones Army Hospital; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BENDER:

H. R. 8500. A bill for the relief of Bruno D. Corasaniti; to the Committee on the Judiciary.

By Mr. FORRESTER:

H. R. 8501. A bill to provide for the conveyance of certain land in Sumter County, Ga., to the Americus and Sumter County Chamber of Commerce; to the Committee on Government Operations.

H. R. 8502. A bill to authorize the advancement on the retired list of Lt. Vincent P. McCauley to the grade of captain; to the Committee on Armed Services.

By Mr. KERSTEN of Wisconsin:

H. R. 8503. A bill for the relief of Nicholas M. Papadopoulos; to the Committee on the Judiciary.

By Mr. MACK of Washington:

H. R. 8504. A bill for the relief of Mira Domenika Grgurinovich; to the Committee on the Judiciary.

By Mr. MASON:

H. R. 8505. A bill for the relief of Josephine Bianconi; to the Committee on the Judiciary.

By Mr. MILLER of California:

H. R. 8506. A bill for the relief of Paul E. Sevigny; to the Committee on the Judiciary.

By Mr. PRESTON:

H. R. 8507. A bill for the relief of Akiko Roberta Nishimura; to the Committee on the Judiciary.

H. R. 8508. A bill for the relief of Columbus C. Collins; to the Committee on the Judiciary.

By Mr. SCHENCK:

H. R. 8509. A bill for the relief of Miriam Shrek Reid; to the Committee on the Judiciary.

By Mr. SHORT:

H. R. 8510. A bill for the relief of Andrew Wing-Huen Tsang; to the Committee on the Judiciary.

H. R. 8511. A bill for the relief of Kim Dong Ho; to the Committee on the Judiciary.

By Mr. SIKES:

H. R. 8512. A bill for the relief of Isaac David Cosson; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

572. By Mr. GOODWIN: Resolution of the members of the Somerville Board of Aldermen, Somerville, Mass., recording themselves as favoring the right to vote for 18-year-olds in State and Nation, etc.; to the Committee on the Judiciary.

573. By Mr. GROSS: Petition of Mrs. Mabel Mosteller and others, Clemons, Iowa, requesting passage of H. R. 1227, to prohibit the transportation in interstate commerce of alcoholic beverage advertising in newspapers, periodicals, etc., and its broadcasting over radio and television; to the Committee on Interstate and Foreign Commerce.

574. By Mr. SMITH of Wisconsin: Resolutions adopted at a recent conference of eastern Wisconsin taxpayer associations held in Oshkosh under sponsorship of the Taxpayers Association of Oshkosh, regarding the Federal budget and highway aid; to the Committee on Public Works.

575. Also, resolution passed by the directors of the Racine Taxpayers Association urging that the Federal debt limit remain at $275 billion and not be raised to $290 billion; to the Committee on Ways and Means.

576. By the SPEAKER: Petition of Buddy Hays and others, Orlando, Fla., requesting passage of H. R. 2446 and H. R. 2447, proposed social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

The Dairymen's Self-Help Plan

EXTENSION OF REMARKS
OF
HON. JACK WESTLAND
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, March 22, 1954

Mr. WESTLAND. Mr. Speaker, I have today introduced for appropriate reference a bill to provide an adequate, balanced, and orderly flow of dairy products in domestic and foreign commerce; to stabilize production and the farm price of milk and dairy products; to impose a stabilization fee on the marketing of milk and butterfat; to provide adequate administration; and for other purposes (H. R. 8493).

I desire to address myself briefly in support of this proposed legislation.

My bill is identical with one that was introduced on March 18 before the Senate of this Congress by the distinguished senior Senator from the State of South Dakota, Mr. MUNDT.

It is known as the self-help proposal of the National Milk Producers Federation and was explained last week in hearings before the agriculture committees of this House and Senate by Russell S. Waltz, president of the National Milk Producers Federation. In his testimony he made it clear that this is a proposal whereby the more than 2,000,000 farmers who make all or part of their income producing milk submit a program under which they will manage, control, and administer their own production stabilization and price-support operation and finance any costs through self-imposed assessments upon their milk or butterfat earnings.

Such an objective requires this Congress to consider carefully this proposed legislation. If we can assist as major a segment of the Nation's agriculture as the dairy farmer—he represents the largest single segment of farming and 20 percent of the total farm income—in getting a self-help program, we will have taken the Government out of the dairy business, a most desired objective.

This bill provides for a 15-member Dairy Stabilization Board to be appointed by the President of the United States from a list of 45 candidates elected by ballot from among the Nation's dairy farmers. The Board would be representative of 15 districts to reflect the pattern and interests of dairy production.

The Board, using statistics presently available, would have the power to set a minimum level for farm prices for a coming marketing year and maintain it through self-imposed assessments from the farmer's own milk or butterfat returns. In its support operation, the Board would have the power to purchase such supplies of processed dairy products as are necessary to maintain the farm price level. It would have no power to interfere with the operation of a free market nor set prices at retail levels and would be required to dispose of any holdings in such a manner as not to upset normal marketing.

We have ample precedent for such legislation in existing milk marketing orders and other commodity marketing agreements, both National and State. There is no power intended for the Dairy Stabilization Board under this bill that is not already being used by the Commodity Credit Corporation in its support operations. But it is intended that this Board, because of its close contact with the industry, would be more flexible in its utilization operations. For example, it could dispose of overproduction overseas without all the formalities that now seem insurmountable in the present CCC operation. The ability to dispose of stocks would be a great encouragement to the industry to maintain proper inventories, something which is not now true under the CCC operation in which we have the Government carrying the entire dairy inventory of the Nation.

The Board, under this bill, would have the power to push the sale of dairy products by advertising, marketing research, and education through the use of any funds not needed for price support operation.

Government entry into this operation would be only at such times as the Government was responsible for dairy imports or increased production due to use of acres diverted to dairy production as a result of support operations upon other commodities. Dairy products created as a result of either of these conditions would have to be purchased by the CCC.

Under the provisions of this bill the capital necessary to launch this self-help program would be obtained by authority to borrow up to $500 million from the CCC or private investors. This money would be a loan and would be repayable at interest rates comparable to going rates for Government funds at the time of the borrowing. Assessments would be set at levels necessary to discharge the capital and interest obligations incurred by the Board.

I want to point out that there is plenty of precedent for such a financial transaction between the farmers and their Government and that the record of farmer repayment of such obligations is excellent. I cite the cases of the Production Credit Associations, the Rural Electric Cooperatives, the Bank for Cooperatives as a few examples. The farmers' record in the field of private credit is equally good. Rural banks have existed for years on long-and short-term farmer paper and many of our largest financial institutions are heavy investors in agriculture because of the excellent credit risk represented.

In conclusion, I desire to emphasize again that this bill represents a move on the part of our largest segment of agriculture to obtain, finance, and direct its own price support and production stabilization program. This is an objective within the American concept of free enterprise and individual determination of economic welfare.

The American Taxpayer Has Made Great Sacrifices in Aiding Foreign Nations

EXTENSION OF REMARKS
OF
HON. BRADY GENTRY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, March 22, 1954

Mr. GENTRY. Mr. Speaker, the people of the United States, numbering less than 7 percent of the world's population, have been carrying the burden of supporting most of the world. In the 8 years since 1945, Congress has given outright to other nations more than it cost to operate our country in the 143-year period from 1775 to November 11, 1918, the close of World War I.

This period, covering all but 35 years of our Nation's history, included the administrations of 28 of our 34 Presidents. It started with Washington, the Father of our Country, and ended with Woodrow Wilson, one of our greatest

Presidents. It covered the period in which six of our Nation's wars were fought.

Even though most of the nations receiving our generous help now have the greatest production in their history and some have more favorable debt structures than our own; even though practically all of them now enjoy a high standard of living and are fully able to pay their own way, we are told that, if we relax even for a moment in continuing the burden of giving them these vast sums, they likely will go Communist and be enemies instead of friends.

In considering these unprecedented sacrifices on the part of our Nation toward other nations, what are some of the happenings and circumstances in the world today which seem to show that our country must indeed be considered by our statesmen to be not only in a very difficult situation but in an almost helpless one, else we simply would not be doing as we are, neither would we permit what other nations are doing.

For years, we constantly denounced Spain as a bitter enemy. Franco was represented by our statesmen as a Fascist dictator who should be liquidated. We had Spain outlawed by the society of nations. Franco is still on the job, he has retracted nothing and he has not changed. But, we have changed. We have completely reversed our position. We now embrace Franco. We go further and represent him as eminently worthy and respectable to the very same nations we asked to outlaw him a few years ago. We have become his partner and protector. We are now supporting him and his government.

The cost to the American people of this about-face is an initial $800 million, $400 million in the construction of bases in Spain and $400 million for Franco. The bases are to remain Spanish property and we "hope" to use them if there is war, although the Government has announced that we now do not have permission to use them in the event of an emergency. Naturally, we have acquired another permanent dependent. If we do not continue to shell out more money every time Franco demands it, he will simply tell us to get out and go home. That seems to be our same situation everywhere.

A few years ago, India, a poor, backward land of 400 million people was a British possession. By the completely peaceful means of passive resistance and favorable world opinion, she secured her independence but only after her division, by reason of religious differences, into the two countries of India and Pakistan. These two divisions since have constantly quarreled and only military weakness has kept them from fighting. Pakistan, which itself is actually composed of two bodies of land 1,000 miles apart, one of which adjoins India on the west and the other on the northeast, has now accepted the urgings of the United States to become a modern military power at the expense of the American taxpayer. Because of India's and Pakistan's present strong differences, India bitterly objected to this action of America for reasons obviously clear. So, what happened? The United States countered that while she was going to arm Pakistan, she was willing also to make a military power of India, naturally also at the expense of the American taxpayer. All the United States needed was India's consent.

Such a solution would have given two formerly peaceful countries the destructive armaments with which to get at each others throats as well as to pick partners in the world lineup. Naturally, too, arming two countries aggregating 400 million people with the most expensive warmaking equipment ever known would have added untold billions of dollars to our tax burdens. Fortunately or unfortunately, Nehru of India declined the great sums of American money he could have had simply for the taking. He was not ready to substitute the spinning wheel for American hydrogen bombs and fortress tanks. He ruefully added, however, that America's making a military power of Pakistan would consign the people of India to high taxes for generations, an admission that he would try to arm his own people.

Turkey's President recently visited the United States. What for? He minced no words. Asked by reporters on his arrival his purpose in coming, he stated he wanted more American money and had come to see the President about it.

It was reported recently, and not denied, that our Ambassador to Italy, in a personal meeting with our President, advised him that if we do not now increase the several hundred million dollars we have been giving Italy each year, that country is likely to go Communist. Even after all our sacrifices for Italy during the last 9 years, more than one-half of the Italian people voted anti-American in the last election a few months ago.

We have finally just succeeded in getting Japan to permit us to rearm her, contrary to a constitution we made her sign less than 8 years ago that outlawed all armed forces for her forever. The people of our country are to pay the bill for again making Japan a modern military power. That is not all. The United States has also obligated herself to extend economic aid to Japan while she is restoring her military might. It will take many billions.

Haile Selassie, of Ethiopia, is to visit the President in May. It is said that an alliance which obligates us to make a military power of the shoeless, nomadic tribes of Ethiopia will result. While the cost to America will come high, it can be done—if the money holds out.

At the inter-American meeting in Caracas recently, Mr. Dulles secured the adoption of a resolution condemning Communist governments in the Americas. The consideration for its adoption was the promise by Mr. Dulles to call another meeting in Washington at which the sole subject would be the financial and economic problems of our American neighbors. The countries of Central and South America protest openly that European and Asian countries have been treated better than they have and that they want this disparity corrected. Based on the recent past, it will be corrected to the detriment of the American taxpayer.

It has been reported in recent weeks, and generally taken for granted, that the United States has been ready for some time to pay the bill to get Iran to come to an agreement with Britain regarding Iranian oil and also to pay Egypt the sum necessary to secure that country's agreement with Britain for continued occupancy of the Suez Canal by Britain. Both bills will come high.

Congress passed a law some time ago that countries which sold Russia or China strategic goods could not receive further United States aid unless the President, regardless of such action, found it to our interest to do so. Norway, Denmark, France, and Italy have since been selling Russia strategic goods. The President has just found, however, that it is to our interest to continue them on our gift list, which, of course, is being done. It is interesting in this connection that all four of these countries now have their greatest production in history. Norway and Denmark are particularly prosperous countries with a high standard of living. Both of these countries have cut their public debt more than 30 percent since 1946. Our public debt has increased. Just why we should be giving money to countries financially able to do anything for themselves which is in their own interest, I am unable to answer.

Not long ago, Israel was cut off our gift list for a claimed infraction of the rules. Restored after a few days, it was later announced that aid to her would be stepped up considerably for the year. Last year, the United States gave Israel an amount equal to $180 for each Israeli family. A lot of American families could use a gift of $180 each year, but, they are giving, not getting.

The gracious Queen Mother of England is coming to America soon. Is this supposed to revive any flagging spirits among our taxpayers who might tire of continued handouts to Britain to foot the bill for her plunge into the excesses of socialism?

Our Armed Forces are now occupying 51 foreign countries. There are only a few others of any consequence in the world. At the same time, there are more than 80 nations receiving aid from us regularly.

Then, there is what is called the offshore procurement program. Someone decided that the billions being given to foreign nations yearly was not enough. They also determined that labor that needed work in America should not work but remain idle. So, it was decided that we would have the products we were giving foreign countries actually made in those countries. That meant that we would also give their labor the money for making these products instead of giving it to our own unemployed labor. That is a case of having your cake and eating it too. But, for the foreign nations, not for our own country.

When the President requested last year that 250,000 extra foreigners be admitted to the United States, he put it

on the grounds of international political considerations. Just a few months before, one of the greatest controversies in congressional history had ended with the passage, after years of study and consideration, of the McCarran-Walter Act and with what was thought to be a settlement of the immigration problem for a time. Under such circumstances and with unemployment staring us in the face, what nation or group of nations, what foreigner or group of foreigners were so indispensable to our country and its future that the President would, so early after the conclusion of the historic struggle over the McCarran-Walter Act, use the tremendous influence of his office on Congress to violate its terms and let 250,000 extra immigrants come here.

Some of our surplus agricultural products are being kept off the world markets solely because of international political considerations. As a result, they either must be dumped, given away, or allowed to rot, all at the taxpayer's expense. To sell these products on world markets might make Nepal, Monaco, or even Luxembourg mad. So, our people must take the loss, particularly our farmers.

If France and the other nations of Europe will finally carry out their long-delayed promise of 2 years ago to ratify EDC, there will be no need for American armed occupancy of Europe after a few years. If they will not ratify it, further intervention there is money thrown down the rathole.

Observers on the scene in Europe report that one French requirement for ratification of EDC is the outright commitment that American armies must occupy Europe for 50 years. George Washington will turn over in his grave at that one.

So, we see that practically every nation in the world today, with the exception of the 6 or 7 Communist countries, are constantly standing with hat in hand at our Treasury door waiting for any tax money that comes in. Nothing like it has been seen before in the history of the world.

The policy that results in our present international situation was adopted a good many years ago. Everybody deplores what we have come to but those who inherited the problem last year seem not to have found an acceptable substitute. Although difficult to understand, it seems taken for granted that the United States must rebuy yearly the friendship of each of the world's nations, else any nation left out, regardless of our long-time friendship and aid, will likely adopt communism and join Russia, a country in no position to do anything for anybody. Regardless of our own financial position, we are told by Mr. Stassen, our international paymaster, that our people must look forward to carrying this burden on a permanent basis. Only recently he announced that we must begin giving far more aid to the countries of the Far East.

How did our country get into such a horrible situation? Are we so helpless that we must be hijacked by everybody? Must we make a permanent mendicant of every other nation in the world? Is there nothing left for us but to exhaust our remaining resources in being a sugar daddy to the rest of the world?

Can it be possible that we, as a nation, are in the position of the plunger who, long after better judgment and prudence dictate more careful consideration of his course of action, continues throwing good money after bad? If things are as pictured, it emphasizes the extreme urgency for a just and honorable peace throughout the world. Since all of us know that our situation is not good, is there something each of us can do that might help our country in its present predicament? There must be and I think there is.

Mr. Dulles recently met with the foreign ministers of France, England, and Russia. Another meeting is scheduled soon for Geneva. Most people are saying we can never reach an agreement with the Russians. The Russian system of government is bad but it is the same system it was during the years following 1933 when we were friendly with the Russians and when our Presidents were prone to speak of Stalin almost in terms of affection. Some of our statesmen were then according Russia distinction by referring to her as a democracy. We know nothing about Russia today that we did not know then. We know, too, that we now have the closest bonds of friendship with two of the most ruthless dictators known to history. One is a Communist—Tito—and the other is a Fascist—Franco. We don't seem to be choosing even our closest friends with any especial care. Under these circumstances, and with the knowledge of the total devastation that warfare today would bring to our country, is not the idea held by many people that we should not even confer with Russia in the search for peace completely unrealistic?

We must remember that if we can never reach an agreement, only two courses of action are left to us. One is a resort to war, now. The other is a continuation of the present back-breaking burden of carrying the whole world on our shoulders for an indefinite period of time—and then war.

Must our people be expected, with their tax moneys and their resources, to support the whole world, forever? While we must be strong militarily, must our people be required to maintain forever the greatest and most costly military system the world has ever known? Must they also carry, forever, the tremendous financial burden now occasioned by occupancy of 51 foreign countries by our Armed Forces? It would seem that they must, unless we compose the differences that now divide the world. Quite literally, then, the facts and circumstances suggest the course of conciliation and agreement, rather than of war.

In the interest of all mankind, every American citizen should determinedly support everything that is being done today in trying to settle our differences by conciliation and bring amity and concord to a disordered world. Only in that way can the clouds of war be lifted and our people be given an era of peace.

Bill To Amend Section 1239 of the Internal Revenue Code

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Monday, March 22, 1954

Mr. CURTIS of Missouri. Mr. Speaker, I have today introduced a bill which seeks to amend section 1239 of the bill to revise the Internal Revenue Code, H. R. 8300, which passed the House last Friday.

The purpose of introducing the bill is to call attention to a problem which may be accentuated as a result of the new declining balance depreciation methods provided for in H. R. 8300. I am not entirely certain that the wording of my proposed amendment would accomplish the purpose sought, or, indeed, that the problem would actually prove to be accentuated. However, the matter is serious enough, in my opinion, to call it to the attention of the Members of the House and of the other body and of the public.

Quick amortization on capital equipment has been permitted companies for the purpose of encouraging those companies to prepare for the defense program. Likewise more liberal laws for amortization have been suggested in H. R. 8300 in order to encourage companies to scrap outmoded machinery and replace it with modern equipment.

However, in the past we have found that certain enterprising persons have bought up companies with capital assets set up on a favorable amortization base, not for the purpose of carrying on production with these facilities or, indeed, to keep them available for standby in the event of defense need, but rather to liquidate and sell these assets to gain the advantage of the favorable capital-gains tax rate over the standard income-tax rate.

The gentleman from Rhode Island [Mr. FORAND] among others raised this problem in executive session of the Ways and Means Committee. At the time I was concerned about the problem, but I was also concerned about, first, not interfering with the proper functioning of liberalized amortization which I thought was so necessary to the soundness of our economy; second, not interfering with the normal business of selling the assets of companies going out of business for proper reasons. There are many fine citizens and corporations in the business of liquidating and selling the assets of companies going out of business. This is a specialized field and a very honorable field of economic endeavor serving a real economic purpose.

However, I am anxious to protect against any encouragement to entrepreneurs to go in and buy a going concern simply to liquidate it because a gain might be made through the differential between the normal income-tax rate and the rate for long-term capital gain. This, of course, is economically bad.

I do not conclude that either this will happen or that H. R. 8300, as presently written, will encourage it. However, the Ways and Means Committee report accompanying H. R. 8300 does not reflect the possibility of this situation and I believe special attention should be directed to this possibility. Again I state that I am by no means certain that the bill I have introduced will either do the job or, indeed, will not create more problems than it will correct.

Still Asking for Economy

EXTENSION OF REMARKS
OF
HON. CLARE E. HOFFMAN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, March 22, 1954

Mr. HOFFMAN of Michigan. Mr. Speaker, on March 18 our colleague from New York, doing a little laundry work for the Brownson Subcommittee on Government Operations, referred to a statement made by me in which comment was made on the activities of that subcommittee in connection with its recent trip abroad. In my statement, which is found in the CONGRESSIONAL RECORD of March 16, pages 3351–3352, and a part of which is reprinted by our colleague from New York, I correctly stated that the cost of the trip was reported as $1,311.75, which figure was taken from the records in the office of the Committee on House Administration. Three committee members, two members of the staff, went on the trip, which for all but one took 24¾ days, and if the number of days is multiplied by $9, the per diem allowance, we get the figure of $1,311.75, which obviously is not the cost of the trip.

There is no accurate way of figuring the transportation cost for the members of the committee and its staff, unless the total cost of the operation of the plane is divided by the number who made the trip and proper allowance made for plane maintenance and its operation by the crew. Had the committee traveled by commercial plane, which I knew it did not, the cost would have been in a DC–4, $51,514.75; if in a DC–6, $79,301.75; if by commercial plane, $8,999 plus cost of lodgings and meals away from the plane.

A very convenient and customary way for an executive department or a legislative committee to conceal the actual cost of any trip is to not figure in an account all items of cost. Three Republican members of the subcommittee, two members of the staff, according to the vouchers, went on this trip. Belton O. Bryan, aide of the State Department, also went on the trip. How many others traveled on the plane, I have no way of knowing; how many Government employees spent their time in waiting on and advising with committee members and members of the staff, I do not know nor do I care. I do know, however, that it costs the taxpayers dollars for trips of this nature and I do know that according to their own statements on vouchers, the chairman of the subcommittee, the gentleman from Indiana [Mr. BROWNSON] and the gentleman from Michigan [Mr. MEADER], also a member of the committee, have now spent 66¾ days in travel abroad.

Presumably they think the trips and the services they have rendered to the Government well worth the money; otherwise they would not have gone.

Apparently they also think that they can render other worthwhile services for that subcommittee though it has already had $66,000, of which it has, as of January 1, 1954, spent $46,223.22, and as of that date had on hand $19,776.78; is still asking for an additional $52,000 to finance it during the next 9 months.

It might also be suggested that this subcommittee is not investigating executive departments of a Democratic administration. It has been and it is investigating the executive departments which are a part of, and which are controlled by, the Eisenhower Republican administration. My thought always has been and still is that by and large a suggestion to the Republicans in high command might possibly bring about any needed reform and that it was only where an obvious wrong practice, an obvious violation of the law, or of a department rule or regulation was to the harm of the people being ignored that it became necessary for congressional committees to correct either apparent or partially concealed faults by the executive agencies of its own political faith.

While we are voting to deny the low-income tax groups an exemption of more than $600 and I voted against increasing the exemption because I think everyone should participate in the payment of taxes, we can, at least I think we can, reduce the tax rate and approach a balancing of the budget by curtailing needless, even though they be pleasurable, expenditures by the legislative as well as the executive departments. I do think that my distinguished colleagues, the gentleman from Indiana [Mr. BROWNSON] and the gentleman from Michigan [Mr. MEADER], are so intelligent, so industrious, and so capable that it should not be necessary for them to spend more than 66¾ days in travel abroad at the taxpayers' expense in order to learn what kind of international operations we should take in order to best serve the interest of our people. However, that is a matter for their judgment, for their discretion.

All I am doing is to suggest to my Republican colleagues that we do not too greatly overdo the New Deal's spending.

The Southwestern Power Administration

EXTENSION OF REMARKS
OF
HON. EDWIN E. WILLIS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 22, 1954

Mr. WILLIS. Mr. Speaker, on February 18, 1954, the Department of the Interior issued a directive which would eliminate the Southwestern Power Administration as an administrative agency operating in the field.

The SPA was set up many years ago to administer the supply of the wholesale power needs of municipalities and rural electric cooperatives in the area comprising the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. This crippling action of the Department of the Interior came as a surprising and shocking blow to the people residing in this large and populous area of the Southwestern United States. The directive was allegedly based on the report of a so-called survey team. Who were the members of this team, and where did they come from? I do not exactly know who they were or where they came from, but I do know who they were not and where they did not come from. Not one single solitary individual from the area affected by the drastic directive served on the so-called survey team.

The Southwestern Power Administration was on trial in connection with the purported studies made by the team. Yes, as it turned out, its very life could be at stake, yet, Mr. Speaker, no one from the area served on the team. This action is not consistent with our notions of an open and public trial before a jury of our peers.

The SPA is certainly in a moribund state, but it can still be revitalized and made to live again its tremendously useful life in the past. The Advisory Committee on Power for the Southwest pointed out the way at a meeting in Jefferson City, Mo., on February 27, 1954. The advisory committee adopted a resolution recommending that a further study be made of the power supply problems and power needs throughout the area, but only after full consultation with the congressional representatives, the REA Administrator, the municipalities and rural electric cooperatives in the States affected. And an appeal has been made by the committee to the President of the United States by letter dated March 3, 1954, to bring about such a fair-play treatment according to our democratic processes of government. I urge this course of action and suggest that nothing short of it will truly solve this serious problem.

The resolution of the committee and the letter to the President follow:

DEPARTMENT OF THE INTERIOR DIRECTIVE, ISSUED FEBRUARY 18, 1954

"Whereas the United States Department of the Interior issued a directive February 18, 1954, eliminating the Southwestern Power Administration as an administrative agency operating in the field; and

"Whereas the Southwestern Power Administration has been a key contracting party in supplying wholesale power needs of municipals and rural electric cooperatives throughout a six-State area comprising Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas: Now, therefore, be it

"*Resolved*, That the Advisory Committee on Power for the Southwest, duly assembled in Jefferson City, Mo., this 27th day of February 1954, finds the directive not in the best interests of municipals and rural electric cooperatives; be it further

"*Resolved*, That the committee recommends further study be made of the power

supply problems and power needs throughout the area and that such a study include full consultation with congressional representatives in the States affected; the REA Administrator, municipals and rural electric cooperatives before any final actions are taken."

Certified to by:

U. J. GAJAN, *Chairman.*
JULIUS HELM, *Secretary.*

MISSOURI STATE RURAL ELECTRIFICATION ASSOCIATION,
Jefferson City, Mo., March 3, 1954.

The PRESIDENT,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: Enclosed herewith is copy of resolution relating to a directive issued by the Department of the Interior, February 18, 1954, which I believe is self-explanatory.

We hope the resolution is interpreted in the spirit in which it was written, i. e., a spirit of friendly and constructive suggestions.

After long and conscientious deliberations, the Advisory Committee on Power for the Southwest, which comprises 60 representatives from municipal and rural electric cooperatives in the 6 States affected, concluded that the directive was not in the best interests of the Government, private utility companies, municipals, and the rural electric cooperatives. Furthermore, the committee concluded that the criteria allegedly used as the basis in formulating the directive—namely, a report of a survey team—was a violation of fair play and our democratic processes of government. As expressed in the last paragraph of the resolution, the committee feels that it is only fair and American that the people who are most affected be fully consulted before the directive is made effective.

It is an incontrovertible fact that not one individual from the area affected served on the survey team that made the report, which apparently was the basis for the February 18 directive. Furthermore, the committee has no record of the survey team report being made available to anyone connected with the municipals or rural electric cooperatives in the area affected, or the Rural Electrification Administration, for comment and interpretation prior to its release.

We don't believe the recommendations contained in the enclosed resolution to be unfair or unreasonable. We hope they will receive your earnest consideration.

With highest esteem.

Yours respectfully,

JULIUS HELM,
Secretary, Committee on Power for the Southwest.

Salary Increases for Postal Employees

EXTENSION OF REMARKS
OF

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1954

Mr. BARRETT. Mr. Speaker, under leave to extend my remarks in the Appendix, herewith my statement to the House Committee on Post Office and Civil Service advocating an $800 salary increase for postal employees:

Mr. Chairman, as an indication of my support of an $800 salary increase for postal employees, I introduced a companion bill (H. R. 7431) to Congressman WITHROW's H. R. 2344. My introducing H. R. 7431 was the result of conferences with numerous representatives of various postal groups as well as my discussions with hundreds of individual postal employees. I am firmly convinced that the postal employees are entitled to a flat $800 annual salary increase and I know that this figure was not picked at random. It was recommended after a careful survey of the salary scales of Post Office employees as compared with private industry throughout the past 15 years. The most important factor of course was the tremendous increase in the cost of living during the period from 1939 to 1954. A comprehensive comparison of average weekly earnings of production workers in manufacturing industries during this period has already been presented to this committee by the National Federation of Post Office Clerks and others.

Actually it is difficult to compare the salary of postal employees with other production employees, as the former, after several years of training, acquire skills which are unique to the postal service and do not lend well to mechanization. Speedy delivery of letters and packages is dependent largely upon the trained eye and memorized schemes of the postal employee. The specialized knowledge of a postal employee is salable only to the Post Office Department. If after contributing 5, 10, or more years of his life to the postal service an employee is unable to provide adequately for his family, he cannot seek other employment on the basis of previous experience. Consequently most postal employees merely "sweat it out" and supplement their meager incomes with outside employment that taxes their physical energy and mental alertness. It should not be necessary for postal employees to engage in other employment, and it would not be necessary for them to do so if the Congress authorized pay increases to adequately compensate these Federal employees who have served us so well and faithfully over the years.

From 1945 to 1951 mail volume increased 27.7 percent, while personnel increased only 14.3 percent. This, of course, reflects a great increase in individual productivity. It cannot be denied that the postal employee is entitled to share in the benefits of increased production and a salary based on the American way of life. Throughout history the postal employees have shown their faith in our Government's recognition of services rendered well and above the call of duty. It is admirable that they have maintained this faith, and I sincerely hope that the 83d Congress will not let them down.

If we are going to build up and maintain a postal service that provides an incentive for the best qualified and most productive employees to make it their life's work, we must maintain pay at reasonable levels. For that reason, and to alleviate the hardships that so many postal employees are facing with rising prices in recent years, I am strongly in favor of this committee's reporting to the House of Representatives without further delay a bill providing for an $800 annual salary increase for postal employees.

The Army Engineers Are in the Business of Confiscating Private Property

EXTENSION OF REMARKS
OF

HON. USHER L. BURDICK

OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1954

Mr. BURDICK. Mr. Speaker, when many homeowners in the area of the Garrison Reservoir were ordered off their property and the price for it fixed by the Army engineers or by juries, the question of the improvements, like buildings, was left entirely to the whim and caprice of the Army engineers.

The proposition was made to the owners that they could buy back the improvements at the price fixed by the Engineers, and the owners accepted. When the actual agreements were presented to these owners they found that they had to get their buildings off the land by December 31, 1953, a time in the winter months when the weather is inclement. House movers would not undertake the job of moving in this severe weather, and as a result the former owners could not move their buildings to meet the demands of the Engineers.

The United States attorneys were instructed to bring action of dispossession against these owners, with the further demand that as a penalty for not moving on time, the buildings would be confiscated by the Government. Cases of this character are now pending in the United States district court in North Dakota.

This office has done everything possible to reason with these autocrats and get them to extend the time until spring came so that the owners would not lose their property. The United States district court was agreeable to the delay if the Engineers would consent. But, no sir, no consent to extend the time could be obtained, and the attorneys have been ordered to proceed.

The result will be that a few old dwellings will be confiscated by the Government, which will mean nothing in money to it, and the former owners will lose that which will enable them to live. Not a single owner refused to move, and would have moved on time if the weather conditions had permitted them to do so.

There is nothing involved in the owners not moving on time so far as the reservoir is concerned, because the area will not be flooded for another year; and by June 1, 1954, all of the buildings could have been removed and the property saved to those who direly need the buildings. To make matters worse still, the owners had to buy new locations, and did so, on which to set these buildings, but it was an impossibility for them to move in time to meet the demands of the Army engineers.

The secret police of Russia, the Elite Guard under Hitler, and the Nazi Blackshirts of Italy never imposed more harsh conditions on owners anywhere, nor were more ruthless in their destruction.

The question arises, Who gave the Army engineers authority to make the owners move in the wintertime? Who gave them authority to go ahead and wantonly destroy property that belongs to good loyal American citizens? The answer is that the Army engineers gave themselves this authority. This procedure is a dastardly act against defenseless people. Is there not a single Army engineer in the United States who is a loyal American citizen with humanity enough in him to do justice to his own fellow citizens? There may be some, but my contacts with them force me to the conclusion that there are none—at least none in authority.

The United States Government is ready to fly to the relief of people in any other country, but here at home we practice that which we condemn in others. What will real Americans think of this procedure to confiscate the property of citizens of this country who cannot comply with the rigid, unnecessary, and inhuman orders of the autocrats of the Army engineers? Have we turned over to these czars the power of government?

Under their equitable jurisdiction the courts could prevent this complete confiscation. But the question is, Will they do it?

By legislation, Congress could remove the Army engineers from all civil functions, as suggested by the Hoover Committee. But the question is, Will Congress do it, or will it permit these autocrats to proceed precisely as Nazis and Soviets have proceeded in their countries? There is more at stake than the value of these little humble dwellings. The larger question is whether or not the Declaration of Independence, the Constitution, and the Bill of Rights mean anything? A still further question is whether these men with the brass hats can, of their own motion, direct the affairs of this Government?

Forty-second Birthday of Girl Scouts of the United States of America

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, March 22, 1954

Mr. RODINO. Mr. Speaker, there is nothing more inspiring than to look into the faces of a group of girls who are bound together as members of the Girl Scouts of America. A Girl Scout's outlook upon life has all the zest for adventure, for discovery, for future ambitions, and carries with it a deep-rooted love of home, community, and country.

Girl Scout Week was celebrated March 7–13, and March 12 marked the 42d birthday of the organization.

I wish to pay tribute, not only to the Girl Scouts of my congressional district, but to all Girl Scouts and those adults who guide and direct in this organization.

In the first decade of this century, Lord Baden-Powell, the founder of Boy Scouting, his sister, Miss Agnes Baden-Powell, and others, launched the Girl Guide movement in England. It was a program based on Scouting ideals but developed especially for girls.

During the years in which the Boy Scout movements developed in England, Mrs. Juliette Gordon Low, of Savannah, Ga., was living in England. She became deeply interested in the Scout and Girl Guide movements. From England, Juliette Low carried Girl Guiding to the United States, where she adapted the program and organization to meet the needs of American girls. On March 12, 1912, she established the first troop of Girl Scouts in the United States. In June 1913 the first national headquarters of the Girl Scouts was opened. In June 1915 the Girl Scout organization was incorporated.

The story of Girl Scouting is an exciting one. No one could foresee in 1912 what would be the future of the little movement started in Savannah, Ga. But those who saw its aim could visualize the development of an individual into an efficient, happy, healthy, and resourceful citizen.

The constitution of the Girl Scouts of the United States of America states the purpose and function of the organization like this:

Purpose: The purpose of this organization is to help girls realize the ideals of womanhood as a preparation for their responsibilities in the home and as active citizens in the community and in the world.

Program: The program of the Girl Scout movement is open to all girls. It shall be built on educational lines, giving girls an experience in making and carrying out plans based on broad fields of interest. It shall encourage a love of outdoor life and a practical knowledge of health. The Girl Scout program shall aim, through comradeship, to develop initiative, self-control, self-reliance, and unselfish service to others.

The art of living together with other human beings is everybody's job and one which the Girl Scouts of America does not take lightly. Scouting is an experience in living together, and every Girl Scout troop is a living human relations laboratory.

The right to differ with others has been a precious American heritage. However, before young people can grasp the concept of difference—they must understand how people are alike. It is the intent of the Girl Scout program to make each experience rich and meaningful for each individual Scout; giving her a sense of greater emotional security within herself and to help her develop a sense of oneness and unity with a group. Girl Scouts think about their relationship to others. The essentials of living happily and creatively together are important goals in the Scouting program. However, these goals are never emphasized at the sacrifice of an individual.

The late Thomas Wolfe once wrote that we are the sum of all the moments of our lives. That is a concise way of saying that all the experiences of our lives play a role in developing us—our companions, our training, the discipline we have known, the habits we have acquired. We are the sum of all those moments.

Let us think for a second—what will the youth of today be like 20 years from now? Will they be well balanced, self-reliant men and women? Or will they be unable to cope with the problems of adult living?

Dr. Edward A. Strecker, psychiatrist, who served as a consultant to the Surgeons General of the Army and Navy during World War II, maintains that the pattern of mental health is set early in childhood. The answer to 90 percent of mental trouble is immaturity, he says.

It is, indeed, encouraging to know that the program of the Girl Scouts of America is surely and successfully contributing to the sound growth of youth today. The Girl Scout movement, however, does not believe it should serve as a substitute for other natural agencies of a girl's training—such as home, church, and school.

Scouting is sponsored by the community. Its sponsoring bodies are community organizations. Its administrative councils, its sustaining committees, and its consultants, as well as its troop leaders, are all composed of representative citizens of the community. In turn Girl Scouts serve the community. Scouting exists by and for the community.

Girl Scouting offers our youth a chance to lead a fourfold life, where love, play, work, and worship are equally developed. The Girl Scout program represents a stake in the future of America. The future of America is dependent upon happy, well-adjusted, and self-reliant adults.

Say It Isn't So—Depression, Soviet Union

EXTENSION OF REMARKS
OF
HON. GEORGE H. BENDER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, March 22, 1954

Mr. BENDER. Mr. Speaker, "It can't be," said Karl Marx. "It will never be," said Lenin. "It is inconceivable," said Joe Stalin "We did not invent it," says Georgi Malenkov. But apparently it exists in the Soviet world exactly as we have experienced it in the Western World. The big "it" is the economic crisis known as depression.

Word out of Russia indicates a crisis in food production with a proposal to conscript farm labor. In China some 200 million folks are admittedly hungry. Czechoslovak resistance to Soviet tyranny is growing, and farmers are opposing the communization of their farms. Hungary is being tapped of its farm produce to help feed Russia. Similar problems are present in marginal farm producing countries like Albania, Bulgaria, Rumania, and Poland.

For some reason the Russians are discovering economic problems arise when crops are bad, when the weather is poor, when people grow tired of working without seeing the fruit of their labor, when the proletariat realizes that its work is somehow being diverted into nonusable merchandise at the expense of the laborer, when folks just plain will not work for the tyranny known as the state.

All the economic theorizing, all the Marxian dialectic, all the catchwords of the revolution will not till an acre of ground or turn out a respectable low-priced winter overcoat. One day a sharp realization will strike the enslaved people behind the Iron Curtain, and they will find it impossible to distinguish between slavery under a czar and slavery under a commissar. When they make this fundamental discovery, commissars may well go the way of the czars.

The People Report to Their Congressman

EXTENSION OF REMARKS

OF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1954

Mr. HOSMER. Mr. Speaker, frequently I mail a "Report from Congress" to the people of the 18th Congressional District of California, which I have the honor to represent. This District is a metropolitan area made up of the communities of Long Beach, Lakewood and Signal Hill. By this means I share with my friends and neighbors some of the experiences of my office and discuss important issues facing the Nation.

Last month the tables were turned by means of a printed questionnaire and I asked the people to "Report to their Congressman" on 40 important questions of the day. Questionnaires were mailed to a cross section of all age, political and economic groups. Thousands poured back. Many with pertinent and helpful comments on a variety of issues.

So heavy were the returns that it was necessary to have them tabulated electronically by the IBM Co.

Most questionnaires represented the opinion of more than one person, as evidenced by many comments stating answers were the joint effort of a whole family. Others wrote that neighborhood or office groups of as large as 25 helped mark the questions. In a few cases the opinions in a household were so heatedly divided that additional questionnaires were requested for each family member. It is estimated that this poll fairly and accurately presents the personal views of at least 30,000 individual citizens. I place the results in this RECORD, knowing they will prove of real interest to other members of the United States Congress.

The 40 questions were preceded by the query: "In general, do you approve of the following?" Here are the questions and the answers:

1. Reduce foreign economic aid? Yes, 74 percent; no, 19 percent; no opinion, 7 percent.

2. Continue foreign military aid? Yes, 68 percent; no, 21 percent; no opinion, 11 percent.

3. Go on leading NATO? Yes, 70 percent; no, 12 percent; no opinion, 18 percent.

4. "World-wide atomic pool" for peaceful developments? Yes, 57 percent; no, 32 percent; no opinion, 11 percent.

5. Limited exchange of atomic-weapon knowledge with allies? Yes, 65 percent; no, 27 percent; no opinion, 8 percent.

6. Base our defense on a "massive" capability to strike back? Yes, 83 percent; no, 8 percent; no opinion, 9 percent.

7. More pay and benefits for professional military personnel? Yes, 41 percent; no, 46 percent; no opinion, 13 percent.

8. More funds for President's Federal employee loyalty program? Yes, 59 percent; no, 26 percent; no opinion, 15 percent.

9. Strip subversives of United States citizenship? Yes, 88 percent; no, 6 percent; no opinion, 6 percent.

10. Bold Federal action, if needed, to assure steady economic growth? Yes, 82 percent; no, 9 percent; no opinion, 9 percent.

11. Continue cutting down Government spending? Yes, 77 percent; no, 13 percent; no opinion, 10 percent.

12. Increase national debt limit above $275 billion? Yes, 23 percent; no, 56 percent; no opinion, 21 percent.

13. Tax deductions for working mothers? Yes, 71 percent; no, 19 percent; no opinion, 10 percent.

14. Less farm supports? Yes, 72 percent; no, 19 percent; no opinion, 9 percent.

15. Federal waterpower projects where local financing is unavailable? Yes, 77 percent; no, 13 percent; no opinion, 10 percent.

16. Keep 2-cent Federal gasoline tax to support highway aid program? Yes, 82 percent; no, 12 percent; no opinion, 6 percent.

17. Increase postal rates? Yes, 47 percent; no, 42 percent; no opinion, 11 percent.

18. Enlarge Social Security coverage and benefits? Yes, 75 percent; no, 17 percent; no opinion, 8 percent.

19. Keep Taft-Hartley law, with improvements? Yes, 81 percent; no, 12 percent; no opinion, 7 percent.

20. Federal funds for cancer and heart research? Yes, 68 percent; no, 23 percent; no opinion, 9 percent.

21. Expand Federal hospital construction aid? Yes, 62 percent; no, 23 percent; no opinion, 15 percent.

22. Spur private, non-profit health insurance by Federal "re-insurance"? Yes, 58 percent; no, 23 percent; no opinion, 19 percent.

23. Federal aid for school construction where needed? Yes, 79 percent; no, 15 percent; no opinion, 6 percent.

24. Give vote to 18-year-olds? Yes, 45 percent; no, 47 percent; no opinion, 8 percent.

25. Use atomic weapons if Reds start new aggression? Yes, 77 percent; no, 9 percent; no opinion, 14 percent.

26. The Bricker amendment? Yes, 28 percent; no, 43 percent; no opinion, 29 percent.

27. Replace the draft law with Universal Military Training? Yes, 65 percent; no, 24 percent; no opinion, 11 percent.

28. Senator MCCARTHY'S investigations? Yes, 59 percent; no, 29 percent; no opinion, 12 percent.

29. Remain in the U. N.? Yes, 78 percent; no, 14 percent; no opinion, 8 percent.

30. Keep Red China out of the U. N.? Yes, 84 percent; no, 8 percent; no opinion, 8 percent.

31. Pay raise for postal employees? Yes, 56 percent; no, 26 percent; no opinion, 18 percent.

32. Pay raise for other Government employees? Yes, 33 percent; no, 41 percent; no opinion, 26 percent.

33. Ike's conduct of foreign affairs? Yes, 73 percent; no, 9 percent; no opinion, 18 percent.

34. Ike's handling of domestic problems? Yes, 71 percent; no, 13 percent; no opinion, 16 percent.

35. Ike's defense policies? Yes, 75 percent; no, 8 percent; no opinion, 17 percent.

36. Government economy if it results in loss of Government jobs in our own community? Yes, 73 percent; no, 16 percent; no opinion, 11 percent.

37. Remove restrictions on income earned by Social Security beneficiaries? Yes, 74 percent; no, 14 percent; no opinion, 12 percent.

38. Outlaw the Communist Party? Yes, 81 percent; no, 13 percent; no opinion, 6 percent.

39. Balance budget before further tax cuts? Yes, 72 percent; no, 17 percent; no opinion, 11 percent.

40. Should one Joint House-Senate Committee handle all Un-American Activity probes? Yes, 56 percent; no, 22 percent; no opinion, 22 percent.

Of course, it is not expected that I follow these poll results dogmatically by my votes here in the House. Often issues are presented to us in a much different form or substance from the poll questions, or events and conditions sometimes may change by the time the House votes. It would be morally indefensible for me to take the popular side of an issue if my conscience dictated otherwise.

Nonetheless, this "Report" from the people will be of much help to me in more accurately representing the desires of my constituents. The thousands of fine citizens who have cooperated by taking the time and trouble to mark their questionnaires have my very real gratitude.

South America-North America Versus Europe

EXTENSION OF REMARKS

OF

HON. GEORGE H. BENDER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1954

Mr. BENDER. Mr. Speaker, the French proverb, "To know all is to forgive all," is a useful and very adaptable epigram. It often conceals causes for distrust and occasionally smooths a thorny diplomtic path. Certainly it goes a long way toward explaining the historic differences in the development of relations between the Republics of South and North America and the corresponding relationships which have developed on the European Continent.

At Caracas, Venezuela, the recent Conference of the Americas emphasized the factors uniting the Western Hemisphere despite differences of national interest among those present. A strong common front against growing Communist agitation was established. The consent of all the governments affected was achieved in terms of defense, and a feeling of mutual good will was engendered by the release of a Peruvian political leader from his enforced sanctuary in the Colombian Embassy at Lima after 5 years of protection.

A conference of this kind is difficult to find in the records of Europe. No real effort was made to consolidate the forces of western, central, or eastern Europe in those years when such attempts were feasible. It was only after centuries of bitterness and war that the statesmen of the Continent even considered such ideas as unification for economic purposes. The system of alliances was as far as Europe ever developed in its diplomatic thinking. There is much more ahead for the Americas if we are to achieve the great destiny apparently dawning for the Western World. We have at least charted new directions for this achievement.

Public Opinion Hits High Spots

EXTENSION OF REMARKS
OF
HON. GEORGE H. BENDER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, March 22, 1954

Mr. BENDER. Mr. Speaker, country editors, like their city brothers, try to keep their fingers on the pulse of the Nation. Their views make news when they are collected, digested, and published. During the past week, a survey of a cross section of the Nation's country editors points to a most interesting series of opinions.

On their list of the most important questions before Congress, the big five were:

First. Balance the budget.

Second. Reduce taxes after balancing the budget.

Third. Work out a satisfactory farm program.

Fourth. Cut Government spending and waste.

Fifth. Strengthen the Nation's defenses.

These conclusions point to the emphasis on domestic problems with a de-emphasis upon the major issues of foreign affairs. Big city editors devote a great deal of their attention to problems in the field of foreign aid, the European Defense Community, NATO, the United Nations, and our foreign policy. Significant reaction to this difference of viewpoint came in response to questions dealing with the proposal to share our atomic knowledge with our allies. Many a country editor replied, "How can we be sure who our allies will be tomorrow morning?"

Congress will take a good look at these opinions. They are worth remembering.

Korean Free Enterprise Plan Should be Studied

EXTENSION OF REMARKS
OF
HON. PAUL W. SHAFER
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, March 22, 1954

Mr. SHAFER. Mr. Speaker, the sum of more than $600 million, almost wholly derived from the taxpayers of the United States, is about to be expended for the relief and rehabilitation of the Republic of Korea.

I am reliably informed that except for relief expenditures, this vast sum will be used to consolidate the existing monopolistic government ownership of industry and commerce in Korea, and that there are no funds provided for the use and development of private industry.

I have introduced House Concurrent Resolution 219 which is aimed to bring present and future Korean expenditures into line with the basic principles of private enterprise upon which America has been built.

The resolution follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the House and Senate that the unexpended funds, together with all future funds appropriated for rehabilitation of the national economy of the Republic of Korea, be so expended as to create in said Republic a national economy based upon rights of private property and free, competitive enterprise; and that no further funds from said appropriations be directly or indirectly expended, to continue the present socialized status and the monopolistic, government ownership of Korean industries.

Make Our Highways Safe

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, March 22, 1954

Mr. MULTER. Mr. Speaker, I am introducing a bill to allow States to require that out-of-State motor vehicles and the operators of such vehicles comply with certain minimum requirements relating to inspections and insurance while within their borders.

If this proposal is enacted, the Congress would consent to legislation being enacted by any State which would penalize, prohibit, or discourage operation within its borders of any motor vehicle owned by a person residing in another State who has not complied with that State's minimum requirements as to insurance, inspection, and safe maintenance requirements. This is to apply to temporary operation within or through the State. It does not affect a State's requirements as to residents' licenses, nor does it attempt to regulate interstate commerce or license fees in connection therewith.

It is believed this legislation would greatly decrease traffic accidents and provide greater safety on highways throughout the Nation.

SENATE

TUESDAY, MARCH 23, 1954

(Legislative day of Monday, March 1, 1954)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou great companion of our souls, grant unto us, O Lord, the spirit of understanding, of discernment, and of fair dealing. As those who here represent the people of the Nation give their minds and hearts to the needs of the Commonwealth; save them from prejudices, from half truths, and from all attitudes colored by the clamor of the few. May their actions and decisions be determined by the sense of divine destiny as our Republic now plays its part as the prepared instrument of Thy providence in all the earth. If in the discharge of public duty men speak well of us, may we not be puffed up; if they speak slightingly of us, may we not be cast down, remembering the words of the Master who bade us rejoice when men speak evil of us and to tremble when all men speak well, thus declaring to all that we care more for the approval of God and conscience than for the applause of men. We ask it in that Name that is above every name. Amen.

THE JOURNAL

On request of Mr. SALTONSTALL, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 22, 1954, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8097. An act to authorize the financing of a program of public works construction for the District of Columbia, and for other purposes; and

H. R. 8300. An act to revise the internal revenue laws of the United States.

LEAVE OF ABSENCE

On request of Mr. SALTONSTALL, and by unanimous consent, Mr. KNOWLAND was excused from attendance on the session of the Senate today, because of illness in his family.

CALL OF THE ROLL

Mr. SALTONSTALL. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that there may